



# Journal of the Senate

Number 21

Tuesday, May 30, 1989

## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Excused: Senator Deratany, periodically

## PRAYER

The following prayer was offered by the Rev. R. B. Holmes, Pastor, Bethel Missionary Baptist Church, Tallahassee:

Eternal God, almighty and all powerful, Lord, we thank you for another day that you have blessed us to experience and appreciate your joy and peace. Lord, please bless us today with your peace, presence, prosperity, power and productivity.

Holy Father, please cry on these committed and dedicated senators and staff with your wisdom, inspiration, knowledge and vision. Bless these senators with insight, great ideas and integrity as they strive to enhance, elevate and enrich the quality of life for all people of this great State of Florida.

We praise you, Lord, and we thank you for this day. Amen, Amen and Amen.

## Consideration of Resolution

On motion by Senator Girardeau, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Girardeau—

**SR 1557**—A resolution commending the former Mayor of Jacksonville, Jake M. Godbold.

WHEREAS, Jake M. Godbold served the City of Jacksonville as Mayor from January 1, 1979, through June 30, 1987, and

WHEREAS, Mayor Godbold has been the recipient of numerous richly deserved awards for outstanding leadership and community service, and

WHEREAS, the vision and leadership of Mayor Godbold has united many disparate factions within the City of Jacksonville, including the public and private sectors, students, senior citizens, women, minorities, business, and recreation, into a cohesive community, and

WHEREAS, Mayor Godbold, in making economic development his first priority, accomplished the expansion of business and industry, the broadening of the tax base, and the creation of many thousands of jobs in the metropolitan area, and

WHEREAS, Mayor Godbold spearheaded the rebirth of the center city with his downtown redevelopment program and with the Riverwalk, Metropolitan Park, Jacksonville Landing, and the Prime Osborn Convention Center, and

WHEREAS, Mayor Godbold initiated a capital improvement program which funded renovation of the Gator Bowl and other sports and entertainment facilities, the four-laning of many roads, and the paving of all dirt roads, and

WHEREAS, Mayor Godbold boosted the spirit and pride of the community with such projects as the Jazz Festival, the NFL Task Force, the Motion Picture Task Force, the Florida Theatre renovation, the "Keep Jacksonville Beautiful" project, the Neighborhood Business Revitalization program, the Mayor's Older Buddies program, and neighborhood community and nutrition centers, and

WHEREAS, Mayor Godbold was instrumental in bringing national sports attractions to the area, including soccer, tennis, and gymnastics, and in providing recreation and public works improvements in each of the 14 City Council Districts, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate commends former Mayor Jake M. Godbold of Jacksonville for his distinguished contributions of leadership, civic pride, and community service.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to former Mayor Godbold as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Girardeau, SR 1557 was read the second time in full and adopted.

## REPORTS OF COMMITTEES

### EXECUTIVE BUSINESS

*The Honorable Bob Crawford*  
President, The Florida Senate

May 24, 1989

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Building Codes and Standards Appointee: Brown, Dennis W.	01/30/91
Construction Industry Licensing Board Appointees: Cahill, William L. London, Edward	02/18/92 02/18/92
Florida Elections Commission Appointee: Kauffman, Alan C.	12/10/89
Florida Housing Finance Agency Appointee: Auchter, Thorne G.	11/13/90
Board of Professional Land Surveyors Appointee: Tobin, Richard W.	06/21/90
Postsecondary Education Planning Commission Appointee: Dopson, Veda Fish	02/04/89
Florida Real Estate Commission Appointee: Day, Robert W.	11/16/88
North Central Florida Regional Planning Council, Region 3 Appointee: Akerman, Joe A.	10/01/88
Board of Veterinary Medicine Appointee: Marler, Robert P.	08/01/89

The Senate Committee on Executive Business has failed to consider these appointments because the committee finds that Dennis W. Brown, Alan C. Kauffman, Thorne G. Auchter, Richard W. Tobin, and Robert P.

Marler, resigned. The terms of Veda Fish Dopson as a member of the Postsecondary Education Planning Commission, Robert W. Day as a member of the Florida Real Estate Commission, and Joe A. Akerman as a member of the North Central Florida Regional Planning Council, Region 3 have expired. William L. Cahill and Edward London were appointed prior to Sunset and reorganization of the Construction Industry Licensing Board so are no longer in office under these appointments. Therefore, the committee respectfully advises and recommends:

- (1) That the Senate fail to consider the appointments during the 1989 Regular Session.
- (2) That the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05(1)(e), Florida Statutes.

Respectfully submitted,

Mary R. Grizzle, Chairman  
Curtis Peterson, Vice Chairman  
Malcolm E. Beard

Fred R. Dudley  
Arnett E. Girardeau

On motion by Senator Grizzle, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—37

Mr. President	Forman	Malchon	Stuart
Bankhead	Gardner	Margolis	Thomas
Beard	Girardeau	McPherson	Thurman
Brown	Gordon	Meek	Walker
Bruner	Grant	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	
Dudley	Langley	Souto	

Nays—None

The Honorable Bob Crawford  
President, The Florida Senate

May 24, 1989

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Architecture and Interior Design Appointees: Gregg, Ada M. Smith, Susan Schuyler	12/17/92 09/30/92
Florida Board of Auctioneers Appointee: Talmage, Juanita	09/30/92
Secretary of Business Regulation Appointee: MacNamara, Stephen R.	Pleasure of Governor
Florida Citrus Commission Appointees: Neukom, George A., Jr. Russakis, Jim G. Snively, Pate Zulanas, George J., Jr.	05/31/92 05/31/92 05/31/92 05/31/92
Escambia County Civil Service Board Appointee: Pilcher, Patricia	02/09/93
Clinical Laboratories Advisory Council Appointee: Traynor, A. R.	11/30/90
Board of Trustees of Gulf Coast Community College Appointee: Smith, George H.	05/31/89
Board of Trustees of Palm Beach Junior College Appointee: Sansbury, John C.	05/31/90
Board of Trustees of Valencia Community College	
<i>Office and Appointment</i>	
Appointee: Smith, Kenneth Y.	05/31/92
Construction Industry Licensing Board Appointee: London, I. Edward	09/30/91
Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Armstrong, Elizabeth E.	11/13/89
Education Standards Commission Appointees: Eggen, Eric Luckey, Charles R.	09/30/89 09/30/91
Florida State Fair Authority, Congressional District 9 Appointee: Young, Sylvia	06/30/92
Florida State Fair Authority, Congressional District 15 Appointee: Simons-Oparah, Tanya	06/30/92
Florida State Fair Authority, Congressional District 17 Appointee: Englander, Sophia T.	06/30/92
Florida State Fair Authority, Congressional District 19 Appointee: Arnold, Walter B., Jr.	06/30/89
Board of Hearing Aid Specialists Appointees: Lyons, David F. Tanner, Paul C.	07/30/90 07/30/90
Florida High Speed Rail Transportation Commission Appointee: Teele, Arthur E., Jr.	06/30/90
Florida Housing Finance Agency Appointees: Heavener, James W. Nunez, Guillermo R. Tompkins, Thomas N.	11/13/92 11/13/90 11/13/92
Investment Advisory Council Appointee: Friedman, Harris C.	12/12/91
Marine Fisheries Commission Appointee: Wallin, Thomas W.	08/01/91
Gulf States Marine Fisheries Commission Appointee: Nix, H. Gilmer	01/05/89 01/05/92
Board of Massage Appointee: Williams, Susan M.	01/01/93
Board of Opticianry Appointee: Westlake, Dorothy L.	12/26/90
Board of Podiatric Medicine Appointee: Simmonds, Warren L.	01/08/93
Postsecondary Education Planning Commission Appointees: Fickett, Alan G. Heath, Thomas A.	02/04/93 02/04/93
Prepaid Postsecondary Education Expense Board Appointee: Ferreira, Diana Y.	06/30/91
Historic Broward County Preservation Board of Trustees Appointee: O'Hare, Dorothy L.	11/01/89
Historic Florida Keys Preservation Board of Trustees Appointee: Wheeler, Linda	10/18/92
Historic St. Augustine Preservation Board of Trustees Appointees: Foerster, Margaret V. Lee, W. Sperry Milam, Teresa de Balmaseda	08/12/90 08/04/89 08/13/89
Public Employees Relations Commission Appointee: Poole, Donna Maggert	01/01/93
Board of Public Schools Appointee: Gainey, L. D. II	10/01/89
Florida Public Service Commission	

<i>Office and Appointment</i>		<i>For Term Ending</i>	<i>Yeas—38</i>
Appointee:	Easley, Betty	01/01/93	Mr. President Bankhead Beard Brown Bruner Casas Childers, D. Childers, W. D. Davis Deratany
Commission for Purchase from the Blind or Other Severely Handicapped			Dudley Forman Gardner Girardeau Gordon Grant Grizzle Jennings Johnson Kirkpatrick
Appointee:	Samuelson, Janet E.	10/01/92	Kiser Langley Malchon Margolis McPherson Meek Myers Peterson Plummer Ros-Lehtinen
Board of Regents			Souto Stuart Thomas Thurman Walker Weinstein Weinstock Woodson-Howard
Appointees:	Petway, Thomas F. III Roberts, Carolyn K.	01/01/95 01/01/95	
Apalachee Regional Planning Council, Region 2			Nays—None
Appointee:	Philpot, Daisy B. Wesley	10/01/91	
North Central Florida Regional Planning Council, Region 3			The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 30, 1989: SB 262, CS for SB 776, SB 1171, SB 434, SB 978, SB 1340, CS for SB 676, CS for SB 532, CS for HB 877, CS for SB 335, CS for SB 791, CS for CS for SB 639, SB 344, SB 648, SB 1259, CS for CS for SJR 25, CS for SB's 1441 and 1460, CS for SB 154, CS for CS for SB 1388, SB 390, HB 1594, CS for CS for SB 1305, SB 907, CS for SB 1244, CS for SB 1347, CS for CS for SB 102, CS for SB 1374, SB 153, SB 1203, SB 1260, CS for SB 332, CS for SB 882, CS for SB 1275, CS for SB 1368, CS for SB 228, SB 316, SB 429, CS for SB 1141, HB 1373, CS for SB 1349, CS for CS for SB 128, CS for SB 693, CS for SB 346, CS for SB 905, CS for SB 1468, CS for SB 845, CS for SB 484, SB 51, SB 189, CS for SB 912
North Central Florida Regional Planning Council, Region 3			
Appointee:	Triplett, Clyde M.	10/01/91	
Northeast Florida Regional Planning Council, Region 4			
Appointee:	Fuller, Barry J.	10/01/89	
Withlacoochee Regional Planning Council, Region 5			
Appointees:	Curtis, Charles E. Wilson, Joseph A.	10/01/91 10/01/89	
East Central Florida Regional Planning Council, Region 6			
Appointees:	Geuka, Amefika D. Sheriff, F. A.	10/01/91 10/01/91	
Tampa Bay Regional Planning Council, Region 8			Respectfully submitted, James A. Scott, Chairman
Appointee:	Wiggins, Betty P. Brown	10/01/91	
South Florida Regional Planning Council, Region 11			<b>INTRODUCTION AND REFERENCE OF BILLS</b>
Appointee:	Rolle, Wellington	10/01/91	<b>First Reading</b>
Governing Board of the St. Johns River Water Management District			<b>SR 1556</b> was introduced out of order and adopted this day.
Appointee:	Gray, Sandra H.	03/01/93	<b>SR 1557</b> was introduced out of order and adopted this day.
Governing Board of the Southwest Florida Water Management District			<b>MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS</b>
Appointee:	Casper, Joseph S.	03/01/92	The Governor advised that he had filed with the Secretary of State Senate Bills 214 and 237, which he approved on May 30, 1989.
Governing Board of the Suwannee River Water Management District			<b>MESSAGES FROM THE HOUSE OF REPRESENTATIVES</b>
Appointee:	Colson, Suzanne K.	03/01/93	<b>First Reading</b>

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to the adjournment of the 1989 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Mary R. Grizzle, Chairman  
Curtis Peterson, Vice Chairman  
Malcolm E. Beard

Fred R. Dudley  
Arnett E. Girardeau

On motion by Senator Grizzle, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1, CS for CS for CS for CS for HJR's 139 and 40, CS for HB 145, CS for HB's 356 and 1449, House Bills 363, 373, CS for HB 440, CS for HB 446, CS for HB's 451 and 703, HB 480, CS for HB 610, CS for HB's 618 and 1385, House Bills 620, 720, CS for CS for HB 746, HB 748, CS for HB 775, HB 780, CS for HB 838, CS for HB 885, CS for HB 895, HB 912, CS for CS for HB 964, HB 1003, CS for HB 1005, CS for HB 1034, CS for HB 1120, CS for HB 1185, CS for HB 1197, CS for HB 1218, CS for HB 1238, CS for CS for HB 1269, CS for HB 1284, CS for HB 1384, House Bills 1408, 1429, 1444, 1451, CS for HB 1510, CS for HB 1514, CS for HB's 1612 and 1107, HB 1733; has passed as amended CS for HB 29, CS for HB 78, CS for HB 169, CS for CS for HB 258, CS for CS for HB 300, CS for HB 456, CS for HB 530, HB 579, CS for HB 821, CS for HB 892, CS for HB 897, CS for CS for HB 986, CS for HB 1029, CS for HB 1033, HB 1061, CS for CS for HB's 1195, 1081, 1139 and 1217, CS for HB 1196, CS for HB 1248, CS for HB 1267, CS for HB 1396, CS for HB 1479, CS for HB 1549; has passed by the required Constitutional three-fifths vote of the membership of the House HJR 245 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Bainter—

**HB 1**—A bill to be entitled An act relating to fire prevention and control; amending s. 633.382, F.S., to provide eligibility for supplemental compensation for firefighters employed by the Division of Forestry of the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committees on Appropriations; Finance and Taxation; Governmental Operations; Community Affairs; and Representative Mortham and others—

**CS for CS for CS for CS for HJR's 139 and 40**—A joint resolution proposing the creation of Section 18 of Article VII of the State Constitution, relating to general laws that require counties or municipalities to spend funds or that limit the ability of counties or municipalities to raise revenue or receive state tax revenue.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Criminal Justice and Representative Reaves and others—

**CS for HB 145**—A bill to be entitled An act relating to false personation; prohibiting the sale of law enforcement or other criminal justice agency badges, identifications, or uniforms to certain persons; prohibiting the purchase of a badge, identification, or uniform to falsely assume or pretend to be any of specified law enforcement or correctional officers; providing penalties; amending s. 843.08, F.S.; providing that the offense of false personation includes personation of correctional officers and lottery special agents and investigators; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Criminal Justice and Representative Smith and others—

**CS for HB's 356 and 1449**—A bill to be entitled An act relating to criminal penalties; amending s. 775.082, F.S.; authorizing imposition of a sentence of life imprisonment without the possibility of parole for a capital felony when the death penalty is not imposed or is held unconstitutional; requiring that persons sentenced to life imprisonment for noncapital felonies serve 25 years before becoming parole eligible; amending s. 775.15, F.S., to conform; amending s. 921.141, F.S.; authorizing imposition of a sentence of life imprisonment without the possibility of parole for capital felonies and requiring imposition of such sentence when, upon review, the judgment of conviction is upheld but the death sentence is overturned; providing effective dates.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Representative Boyd—

**HB 363**—A bill to be entitled An act relating to elections; amending s. 99.097, F.S.; providing for the payment to supervisors of elections of the costs of verifying petition signatures to have an issue placed on the ballot; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Representative Peeples—

**HB 373**—A bill to be entitled An act relating to county government; creating s. 125.385, F.S.; providing a procedure for the vacation of parks by counties; prohibiting vacation under certain circumstances; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Ethics and Elections; and Representative Ostrau—

**CS for HB 440**—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; deleting the requirement that such persons who also hold a specified relationship with business entities authorized to operate in this state must file a disclosure statement; prescribing conduct for legislators and legislative employees; providing exemptions from the prohibition against doing business with one's own company or entering into a conflicting employment relationship; repealing s. 112.3141, F.S., relating to conduct of legislators and legislative employees; amending s. 112.3145, F.S.; requiring financial statements to include certain contributions specified in s. 112.3148, F.S.; requiring certain officers and employees who also hold a specified relationship with business entities authorized to operate in this state to file a disclosure statement as part of their financial statement; amending s. 112.3146, F.S.; correcting cross references; amending s. 112.3147, F.S.; providing cross references and making technical changes relating to forms prescribed by the Commission on Ethics; creating s. 112.3148, F.S.; providing defini-

tions; providing for the filing by certain public officers of statements listing contributions; repealing s. 111.011, F.S., relating to statements of contributions received by elected public officers; amending s. 112.317, F.S.; providing penalties for former public officers or employees who violated provisions of the Code of Ethics for Public Officers and Employees; amending s. 112.322, F.S., authorizing the Commission on Ethics to delegate to its investigators the authority to administer oaths; authorizing the commission to delegate its subpoena powers to its members or executive director; authorizing the commission to allow its employees to serve such subpoenas; providing authority for the commission to make rules; creating s. 112.3231, F.S.; providing time limitations for commission actions; amending s. 112.324, F.S.; modifying procedures on complaints of violations of the Ethics Code; designating proper disciplinary officials; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules and Calendar.

By the Committee on Education and Representative Tobiasen and others—

**CS for HB 446**—A bill to be entitled An act relating to education; establishing a goal to appropriate sufficient funds annually to ensure availability of textbooks; declaring intent for a 1-year delay from date of enactment of mandated courses of study to ensure selection and adoption of instructional materials; amending s. 233.09, F.S.; revising the membership of district instructional materials councils; providing for equal consideration of district recommendations; amending s. 233.14, F.S.; providing for publisher guarantee of replacement of college-bound instructional materials; amending s. 233.16, F.S.; revising time for opening bids; providing for extending or shortening contracts for instructional materials; amending s. 233.17, F.S.; providing for annual publication of adoption schedule; amending s. 233.18, F.S.; requiring publishers to deposit specimen copies of instructional materials with certain school districts; amending s. 233.25, F.S.; requiring instructional materials publishers to submit proof of their use of written correlations to certain instructional objectives; amending s. 233.37, F.S.; authorizing the Department of Education to provide for the recycling of certain instructional materials; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Criminal Justice and Representative Kelly and others—

**CS for HB's 451 and 703**—A bill to be entitled An act relating to controlled substances violations; creating s. 893.25, F.S.; establishing the crime of engaging in a continuing criminal enterprise; providing criminal penalties, including a fine and a mandatory minimum term of imprisonment; providing legislative intent; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Representative Drage—

**HB 480**—A bill to be entitled An act relating to landlord-tenant; amending s. 83.56, F.S.; providing exceptions to waiver of the right of the landlord or tenant to terminate the rental agreement; amending s. 83.60, F.S.; providing exceptions to the requirement for posting rent in the registry of the court in an action for possession based upon nonpayment of rent; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Criminal Justice and Representatives Peeples and Arnold—

**CS for HB 610**—A bill to be entitled An act relating to forfeitures; creating s. 27.3451, F.S.; creating a State Attorney's Forfeiture and Investigative Support Trust Fund; amending s. 932.704, F.S.; providing for the deposit of certain funds obtained through forfeiture proceedings into such trust funds; providing for the division of certain forfeited funds; providing an effective date.

—was referred to the Committees on Judiciary-Civil; Finance, Taxation and Claims; and Appropriations.

By the Committee on Ethics and Elections; and Representatives Simone and Ostrau—

**CS for HB's 618 and 1385**—A bill to be entitled An act relating to elected public officers; providing definitions; providing limitations on contributions to elected public officers for inaugural celebrations; requiring that such contributions to the Governor-elect be made to the inauguration expense fund; requiring a statement of contributions and expenditures with respect to such contributions; providing a penalty; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Representative Hill and others—

**HB 620**—A bill to be entitled An act relating to lewdness; amending s. 800.04, F.S.; adding commission or enticement of sexual conduct to the offenses proscribed for which felony penalties are provided by law when a child is present; reenacting ss. 775.15(7), 787.01(3), 787.02(3), and 914.16, F.S., relating to time limitations, kidnapping and false imprisonment of a child under age 13, and interview limits on child abuse and sexual abuse victims under age 16, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Young and others—

**HB 720**—A bill to be entitled An act relating to personnel of school districts and community college districts; amending s. 231.495, F.S.; authorizing district school boards to purchase annuities for certain school personnel under certain circumstances; amending s. 240.344, F.S.; authorizing community college district boards of trustees to purchase annuities for certain community college personnel under certain circumstances; providing an effective date.

(Substituted for SB 434 on the special order calendar this day.)

By the Committees on Rules and Calendar; and Health Care; and Representative Flag—

**CS for CS for HB 746**—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; revising conditions for release of funds appropriated for construction or renovation of county public health unit facilities; amending s. 154.04, F.S.; modifying conditions for employment of a public health unit administrator; amending s. 154.06, F.S.; modifying public health services fee authority and standards; amending s. 381.231, F.S.; clarifying types of diseases which must be reported to the Department of Health and Rehabilitative Services; amending s. 409.266, F.S.; prohibiting the department from contracting on a prepaid or fixed-sum basis for Medicaid services with certain persons or entities; providing an effective date.

—was referred to the Committees on Health Care and Appropriations.

By Representative M. Diaz-Balart and others—

**HB 748**—A bill to be entitled An act relating to weapons and firearms; amending s. 790.221, F.S.; providing a mandatory minimum term of imprisonment for unlawful possession of specified firearms; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committee on Natural Resources and Representative Graham and others—

**CS for HB 775**—A bill to be entitled An act relating to marine animals; amending s. 370.12, F.S.; directing the Department of Natural Resources to regulate motorboat traffic to protect manatees in additional areas in Volusia County; requiring the department to adopt rules designating a manatee sanctuary and regulating motorboat traffic therein; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Banjanin and others—

**HB 780**—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20, F.S.; revising language with respect to quota alcoholic beverage licenses issued in certain counties to provide that any

restaurant located in a specialty center built on governmentally owned land shall be subject to certain restrictions; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Judiciary and Representatives Clements and Smith—

**CS for HB 838**—A bill to be entitled An act relating to accommodations for disabled persons; amending s. 413.08, F.S.; specifying rights of persons with paraplegia or quadriplegia who are accompanied by a specially trained nonhuman primate of the genus *Cebus*; specifying rights of trainers training such primates; providing a penalty; providing liability for damage by such primate; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Criminal Justice and Representative Bronson—

**CS for HB 885**—A bill to be entitled An act relating to criminal proceedings; amending s. 939.15, F.S.; providing that certain costs incurred by public defenders representing indigent defendants shall be paid by the counties upon certification by the public defender; authorizing counties to contest the reasonableness of such expenses; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Judiciary-Civil.

By the Committee on Commerce and Representative Lippman and others—

**CS for HB 895**—A bill to be entitled An act relating to financial institutions; amending s. 655.50, F.S.; creating the Florida Control of Money Laundering in Financial Institutions Act; providing legislative purpose; providing definitions; requiring financial institutions to keep certain records; authorizing such institutions to keep certain records; directing the Department of Banking and Finance and financial institutions to keep copies of certain reports for a certain time period; providing additional powers of the department; providing additional penalties; increasing penalties; creating an advisory council to study the administration and funding of the money laundering reporting program; providing for a report; providing an effective date.

—was referred to the Committees on Commerce, Judiciary-Criminal and Appropriations.

By Representative Smith and others—

**HB 912**—A bill to be entitled An act relating to public food service establishments; amending s. 509.013, F.S.; revising an exclusion from the definition of such establishments for certain nonprofit organizations; amending s. 509.232, F.S.; providing that carnivals and similar events operated by such organizations are exempt from certain temporary food service regulations; providing an effective date.

(Substituted for SB 1340 on the special order calendar this day.)

By the Committees on Appropriations and Criminal Justice and Representative Silver and others—

**CS for CS for HB 964**—A bill to be entitled An act relating to stolen property; amending ch. 538, F.S.; creating Part I, Second-Hand Dealers, consisting of ss. 538.03, 538.04, 538.05, 538.06, 538.07, 538.08, 538.09, 538.11, 538.15, 538.16, and 538.17, F.S.; and creating Part II, Secondary Metals Recyclers, consisting of ss. 538.18, 538.19, 538.20, 538.21, 538.22, 538.23, 538.24, 538.25, and 538.26, F.S.; providing definitions; providing recordkeeping requirements, verification requirements, and criminal penalties; providing for inspection of records and premises; mandating holding periods in certain circumstances; providing penalties; providing pleading for return of stolen property and providing procedure; providing for registration of second-hand dealers and secondary metals recyclers with the Department of Revenue; providing fees and establishing the Second-Hand Dealer and Secondary Metals Recycler Clearing Trust Fund; providing for fingerprinting; providing for a fine for violations and for denial, suspension, or revocation of registration; providing powers and duties of department; providing for rules; prohibiting certain acts and practices; providing for disposal of property held by pawnbrokers and requiring notice; authorizing local regulation; amending s. 680.104, F.S.; providing for precedence over the Uniform Commercial Code; repealing ss. 538.01, 538.011, 538.012, 538.014, 538.016, 538.018, 538.019, 538.02, and 538.021, F.S., relating to precious metals dealers, junk dealers, scrap-metal processors, and foundries; repealing ss. 715.04, 715.041, 715.0415, and 715.042, F.S., relating to pawnbrokers; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representative Easterly—

**HB 1003**—A bill to be entitled An act relating to the State Comprehensive Health Association; amending s. 627.6488, F.S.; providing immunity from liability for specified persons under certain circumstances; providing an exception; directing the association to collect assessments to provide for operating losses; eliminating organizational assessments; authorizing the association to collect certain other assessments; amending s. 627.6492, F.S.; revising language with respect to participation of insurers; amending s. 627.6494, F.S.; revising language with respect to assessments for premiums earned; providing an effective date.

—was referred to the Committees on Insurance; Finance, Taxation and Claims; and Appropriations.

By the Committee on Governmental Operations and Representative Mackey—

**CS for HB 1005**—A bill to be entitled An act relating to investment of public funds; amending s. 218.345, F.S.; authorizing the governing body of a special district to invest surplus funds in specified securities; amending s. 236.24, F.S.; authorizing district school boards to invest surplus funds in specified securities; amending s. 236.49, F.S.; providing for certain investments of proceeds from the sale of bonds for a school district; providing an effective date.

—was referred to the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

By the Committee on Appropriations and Representative Silver and others—

**CS for HB 1034**—A bill to be entitled An act relating to plea bargaining; amending s. 775.087, F.S.; providing a definition; prohibiting plea bargaining in cases involving commission of a felony while in possession of a weapon or firearm for which penalties are enhanced; directing the Supreme Court to promulgate rules prohibiting plea bargaining in certain cases involving a firearm or weapon; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; Appropriations; and Rules and Calendar.

By the Committee on Commerce and Representative Lawson—

**CS for HB 1120**—A bill to be entitled An act relating to construction contracting; creating the Financial Institution Study Commission; providing for appointment; providing powers and duties; providing for a report; providing for the dissolution of the commission; providing an effective date.

—was referred to the Committees on Commerce, Community Affairs, Governmental Operations and Appropriations.

By the Committee on Criminal Justice and Representative Renke and others—

**CS for HB 1185**—A bill to be entitled An act relating to habitual felony offenders; amending s. 775.084, F.S.; adding aggravated battery to the list of previous convictions for which habitual violent felony offender penalties may be imposed and expanding the definition of "qualified offense" for purposes of such penalties; amending s. 775.0842, F.S.; providing for career criminal prosecution of arrestees who qualify as habitual felony offenders or habitual violent felony offenders, and reenacting s. 775.0843(1) and (5), F.S., relating to policies for career criminal cases, to incorporate said amendment in references; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committee on Corrections and Representative Healey—

**CS for HB 1197**—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.531, F.S.; revising the definition of the term "correctional officer" to include correctional probation officers for purposes of part VI of ch. 112, F.S.; amending s. 112.533, F.S.; providing that an officer who is the subject of a complaint may review such complaint and certain written statements and providing an exception as to statements of certain witnesses; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Health Care and Representative Campbell—

**CS for HB 1218**—A bill to be entitled An act relating to health care facilities; amending ss. 395.041 and 641.55, F.S., relating to internal risk management programs; increasing the time period for filing reports of certain incidents; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Appropriations and Representative Clark and others—

**CS for HB 1238**—A bill to be entitled An act relating to education; creating s. 240.4125, F.S.; creating the Mary McLeod Bethune Scholarship Challenge Grant Fund; providing for administration; creating a trust fund; providing for matching funds; providing for student eligibility; providing an award amount; providing for payment of scholarships; providing for rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By the Committees on Rules and Calendar; and Health and Rehabilitative Services; and Representative Frankel and others—

**CS for CS for HB 1269**—A bill to be entitled An act relating to community residential homes; providing definitions; providing siting requirements for certain community residential homes, including certain required notice; providing duties and authority of district administrators of the Department of Health and Rehabilitative Services and local governments with respect thereto; providing for mediation of conflicts; providing for certain denial or nullification of license to operate such a home; providing for applicability of local laws and zoning ordinances; providing for applicability to existing homes and certain residents; requiring the department to establish a statewide registry of all licensed community residential homes; providing for specified information therein; providing for certain technical assistance to local governments; providing restrictions on the release of confidential information; providing an effective date.

—was referred to the Committees on Community Affairs; Health and Rehabilitative Services; and Appropriations.

By the Committee on Judiciary and Representative Roberts and others—

**CS for HB 1284**—A bill to be entitled An act relating to dissolution of marriage; creating ss. 61.401-61.405, F.S.; providing for the appointment of a guardian ad litem in an action for dissolution of marriage, modification, parental responsibility, custody, or visitation under certain circumstances; providing a definition; providing for powers and authority of guardians; providing for confidentiality of communications; providing for costs and fees; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By the Committee on Judiciary and Representative Davis—

**CS for HB 1384**—A bill to be entitled An act relating to duties of sheriffs; amending s. 48.031, F.S.; revising provisions relating to service of witness subpoenas in criminal cases; amending s. 494.043, F.S.; revising a condition precedent to recovery from the Mortgage Brokerage Guaranty Fund relating to a writ of execution regarding property of the judgment debtor; amending ss. 903.105 and 903.16, F.S.; providing for remittance by the sheriff and other officials to the clerk of the court of money, collateral, and bonds received in connection with bail; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Judiciary-Criminal.

By Representative Cosgrove—

**HB 1408**—A bill to be entitled An act relating to decedents' estates; amending s. 731.111, F.S.; changing time for filing claims; providing for contents of notice to creditors; amending s. 733.212, F.S.; changing time for filing claims; deleting filing requirement; providing for service of notice of administration on creditors and search to determine who are creditors of the estate; limiting liability of personal representative; amending s. 733.602, F.S.; providing clarifying language with respect to which persons are interested persons; amending s. 733.701, F.S.; changing

time for filing claims; amending s. 733.702, F.S.; changing time for filing claims; changing grounds for extension of time to file claims; providing for limitation of time to seek extension; providing that the limitation period shall not be extended; amending s. 733.703, F.S.; deleting procedural requirements concerning presentation of claims; providing that a claim listed in a timely personal representative's proof of claim is treated as having been filed by the claimant; amending s. 733.705, F.S.; providing requirements for making and disposing of objections to items listed in a personal representative's proof of claim; providing a requirement for any action brought upon an untimely claim; extending time for compelling payment of debts; amending s. 733.706, F.S.; providing that orders for execution or process against estate assets may be entered only in the probate proceeding; amending s. 733.710, F.S.; changing limitations period; providing limitations period for all estates; amending s. 734.1025, F.S.; changing limitations period; providing for service of notice to creditors; amending ss. 734.104, 735.107, and 735.201, F.S., changing limitations period; amending s. 735.206, F.S.; changing limitations period; providing effective dates.

—was referred to the Committee on Judiciary-Civil.

By Representative Mims and others—

**HB 1429**—A bill to be entitled An act relating to bicycle regulations; amending s. 316.2065, F.S.; prohibiting a bicycle rider from carrying a child who is over a specified age or weight; requiring a bicycle rider who carries a child passenger to provide certain safety equipment; prohibiting a person who rides a bicycle on a highway or in a public place from allowing a child passenger to ride on the vehicle or on a bicycle trailer or bicycle semitrailer without a helmet; providing a penalty; providing that charges shall be dismissed in some circumstances; prohibiting a bicycle rider from allowing a child to remain in a child carrier when the rider is not in immediate control of the bicycle; requiring a label which states safety requirements to be affixed to boxes containing certain child carriers; prescribing types of bicycle trailers and bicycle semitrailers that may be attached to a bicycle; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Nergard—

**HB 1444**—A bill to be entitled An act relating to public defenders; amending s. 27.56, F.S.; providing for a reduction in costs assessed with respect to certain cases where the defendant has used a public defender; providing an effective date.

—was referred to the Committees on Judiciary-Criminal, Judiciary-Civil and Appropriations.

By Representative Brown—

**HB 1451**—A bill to be entitled An act relating to mental health; amending s. 394.4573, F.S.; providing definitions; directing the Department of Health and Rehabilitative Services to implement a system of continuity of care; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By the Committee on Criminal Justice and Representatives Hafner and Silver—

**CS for HB 1510**—A bill to be entitled An act relating to crimes compensation; amending s. 960.04, F.S.; adding persons eligible for awards; amending s. 960.07, F.S.; extending the time for filing claims for compensation in certain circumstances; amending s. 960.13, F.S.; increasing the basis and the ceiling amount for awards of compensation; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Employee and Management Relations; and Representative Shelley—

**CS for HB 1514**—A bill to be entitled An act relating to unemployment compensation; amending section 3 of chapter 83-285, Laws of Florida, as amended; extending indefinitely the short-time compensation program, which permits the payment of prorated unemployment compensation benefits to employees laid off for a portion of a week; amending s. 443.131, F.S.; providing for financing of short-time compensation benefits; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Criminal Justice and Representatives Silver and Renke—

**CS for HB's 1612 and 1107**—A bill to be entitled An act relating to post-conviction proceedings; establishing a Death Penalty Appeals Review Task Force; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; Governmental Operations; Rules and Calendar; and Appropriations.

By the Committee on Regulatory Reform and Representative Rudd—

**HB 1733**—A bill to be entitled An act relating to groundwater protection; creating s. 403.1657, F.S.; providing for the interdepartmental coordination of groundwater protection in the state; amending s. 403.191, F.S.; providing a defense to an action for nuisance under certain circumstances; repealing s. 403.1659, F.S., relating to the Florida Groundwater Protection Task Force; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Governmental Operations; and Appropriations.

By the Committee on Criminal Justice and Representative Jennings and others—

**CS for HB 29**—A bill to be entitled An act relating to weapons and firearms; adding a new section to chapter 790, F.S.; making it unlawful to place a firearm in a place accessible to a child; providing legislative purpose; providing definitions; providing penalties; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Health and Rehabilitative Services; and Representatives Deutsch and Morse—

**CS for HB 78**—A bill to be entitled An act relating to adult congregating living facilities; amending s. 400.407, F.S.; providing that unlicensed operation or maintenance of such a facility constitutes a first degree misdemeanor or a third degree felony in certain circumstances; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Health and Rehabilitative Services; and Representative Kelly—

**CS for HB 169**—A bill to be entitled An act relating to pest control; amending s. 482.021, F.S.; providing definitions; amending s. 482.051, F.S.; requiring the Department of Health and Rehabilitative Services to hold public meetings for proposed statutory or rule changes; requiring the adoption of specified rules relating to vehicles, trailers, and contracts; amending ss. 482.032 and 482.061, F.S.; updating terminology; amending s. 482.071, F.S.; requiring the display of a current license; amending s. 482.091, F.S.; revising provisions relating to and requirements for identification cards for persons performing inspections; amending s. 482.111, F.S.; providing for the issuance of certificates; providing for the use of revenues from fines; establishing an advisory committee; revising provisions relating to emergency pest control certificates; increasing fees therefor; revising provisions relating to continuing education requirements; amending s. 482.121, F.S., relating to false use of certificate; providing for automatic revocation of licenses and certificates under certain circumstances; amending s. 482.132, F.S.; revising qualifications for examination for certification; allowing an applicant to take an examination without meeting certain qualifications for a specified period of time; amending s. 482.141, F.S.; increasing examination fees; amending s. 482.151, F.S.; providing continuing education requirements for renewal of a special identification card; amending s. 482.152, F.S.; establishing licensing requirements for and duties of certified pest control operators in charge of pest control activities; eliminating an exemption; amending s. 482.161, F.S.; providing for written warnings; prohibiting the issuance of a license to certain persons; providing for a reprimand or probation in certain situations; providing for fines and the deposit thereof; creating s. 482.165, F.S.; providing for the unlawful practice of pest control; providing for cease and desist orders and civil actions for damages against persons who violate laws and rules; providing for award of court costs and attorney's fees; amending s. 482.211, F.S.; eliminating certain pest control exemptions; requiring the department to prescribe exemptions by rule; amending s. 482.226, F.S.; imposing additional requirements for inspection reports; requiring persons who perform periodic reinspections or retreatments to



have certain identification cards; requiring persons who perform certain inspections to meet minimum financial responsibilities; creating s. 482.2265, F.S.; requiring pest control businesses or operators to provide certain information to customers, upon request; requiring such persons to post a notice of certain applications of a pesticide; providing for determination of chemically sensitive persons; requiring certain notice to such persons prior to applying pesticide; providing duties of the Department of Health and Rehabilitative Services; providing for review and repeal; providing an effective date.

—was referred to the Committees on Health Care and Appropriations.

By the Committees on Rules and Calendar; and Judiciary; and Representative Logan and others—

**CS for CS for HB 258**—A bill to be entitled An act relating to support; amending s. 61.181, F.S., relating to central depositories for child support payments; providing that payment be made by the depository to the obligee within 4 working days when payments are remitted to the depository by personal check; deleting fees paid into the Child Support Depository Trust Fund and deleting reference to said fund; amending s. 61.13, F.S.; revising language with respect to the obligation to provide health insurance as a part of child support; amending s. 61.1301, F.S.; revising language with respect to income deduction orders to include deductions out of bonuses; revising language with respect to payor's obligation under income deduction orders; amending s. 61.183, F.S.; revising language with respect to mediation of certain contested issues; amending s. 61.30, F.S.; providing that presumptive guidelines be used by the trier of fact in ordering payment of child support; providing for deviation from the use of presumptive guidelines by the trier of fact; providing for the adjustment of the guideline minimum child support award under certain circumstances; providing for obligations for support with respect to persons receiving public assistance; providing for periodic review of the guidelines; amending s. 88.171, F.S.; providing for the disbursement of certain collections as child support; amending s. 409.2561, F.S.; revising language with respect to requiring insurance companies to notify the state Medicaid office when a support obligor's insurance is canceled; amending s. 409.257, F.S.; providing for service of process in IV-D cases; creating s. 409.259, F.S.; providing reimbursement to the clerk of the circuit court for filing fees in non-AFDC support cases; amending s. 455.203, F.S.; directing the IV-D agency to screen all applicants for licensure or renewal by the Department of Professional Regulation to determine whether the applicant is a delinquent support obligor; providing for the withholding of licensure or renewal; providing guidelines to the IV-D agency in entering into agreements for repayment of past due support; providing for hearing; amending s. 624.424, F.S.; requiring insurance companies to notify the Medicaid office when a support obligor's insurance is canceled; providing penalties; amending s. 742.12, F.S.; requiring all parties in a contested paternity action to submit to certain scientific tests for determination of parentage; providing effective dates.

(Substituted for CS for SB 532 on the special order calendar this day.)

By the Committees on Rules and Calendar; and Corrections; and Representatives Lippman and Glickman—

**CS for CS for HB 300**—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; modifying the eligibility requirements, for inmates sentenced for a crime committed on or after a certain date, for provisional credits that may be granted by the Secretary of Corrections when the inmate population reaches a certain percentage of lawful capacity; modifying the method of determining eligibility for provisional credits; limiting the group of inmates who may be released into the provisional release supervision program; requiring mandatory substitution of conditional release supervision for provisional release supervision in certain circumstances; extending the length of provisional release supervision; creating s. 947.145, F.S.; requiring the Parole Commission to screen inmates who are not statutorily excluded from provisional credits, to certify eligibility therefor, and providing criteria for such certification; amending s. 944.17, F.S.; expanding provisions relating to documents required upon commitment or transfer into the state correctional system; amending s. 944.28, F.S.; authorizing forfeiture of gain-time upon revocation of provisional release, probation, or community control; amending s. 944.291, F.S.; providing for the supervision of prisoners released by reason of provisional credits; amending s. 947.005, F.S.; providing a definition of "provisional release date"; amending s. 947.1405, F.S.; modifying provisions relating to conditional release supervision; amending s. 948.06, F.S.; authorizing forfeiture of gain-time upon revocation of probation or community control; expanding the role of the Crime Prevention and Law Enforcement Study Commission; amending chapter 83-131, Laws of Florida; deferring future review and repeal of the Parole Commission; authorizing the Department of Corrections to develop rules and procedures and employ personnel; providing effective dates.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By the Committee on Appropriations and Representatives Simon and Langton—

**CS for HB 456**—A bill to be entitled An act relating to the Taxation and Budget Reform Commission; amending s. 101.161, F.S.; including proposals submitted by the commission in provisions relating to constitutional amendment ballot language; creating s. 286.036, F.S.; providing for appointment and powers of the commission; providing for assignment to the Joint Legislative Management Committee; providing for compensation of members and assistance by governmental agencies; creating s. 286.037, F.S.; providing for appointment of a Criminal Justice Subcommittee of the commission and providing its duties; providing an appropriation; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

By the Committee on Natural Resources and Representatives Locke and Albright—

**CS for HB 530**—A bill to be entitled An act relating to aquatic preserves; creating s. 258.399, F.S.; establishing the Oklawaha River Aquatic Preserve; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Representative Crotty—

**HB 579**—A bill to be entitled An act relating to the Sports Advisory Council of the Department of Commerce; amending s. 20.17, F.S.; authorizing the department to contract with a direct-support organization to promote and develop professional sports and related industries; prescribing qualifications for the direct-support organization; specifying contract requirements; providing for the use of property and services of the department; providing for audits; exempting certain information from the public records requirements of ch. 119, F.S.; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committee on Regulatory Reform and Representative Morse and others—

**CS for HB 821**—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; providing for issuance of a 2-year restricted license to certain applicants; providing requirements; providing for supervised practice; providing requirements for issuance of an unrestricted license; providing for rules; creating a Physician Training Trust Fund; providing for loans for physician training; providing for interest rates; providing a repayment period; prohibiting certain fees; prohibiting state liability for defaulted loans; providing for institutional payment of loan repayments; providing an appropriation; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; and Appropriations.

By the Committee on Governmental Operations and Representatives Martinez and Bloom—

**CS for HB 892**—A bill to be entitled An act relating to financial matters; amending s. 215.422, F.S., relating to procedures for payment for goods and services by state agencies; revising time periods for filing of vouchers with the Comptroller and issuance of warrants in payment of invoices; providing a time limitation for approval of goods or services; providing for determination of the date of receipt of an invoice; revising the time period after which an interest penalty for late payment applies and providing for calculation thereof; providing for the resolution of disputes involving interest penalties; specifying that temporary unavailability of funds does not relieve the agency from the obligation to pay the interest penalty; revising requirements for monitoring by the Department of Banking and Finance; creating a vendor ombudsman within the department and providing duties; providing for rulemaking; prohibiting certain inconsistent rules and policies; providing for application to certain reimbursements to state officers and employees; providing for application to state agencies which use third parties, revolving funds, or local bank accounts to pay invoices; providing an interest penalty for late payments to health care providers; specifying that nothing in said section shall be construed as an appropriation; amending s. 287.0585, F.S.; providing for restitution for attorney's fees and costs by a person violating provisions relating to late payments to subcontractors and suppliers by



contractors with state agencies; authorizing the Department of Legal Affairs to assist subcontractors and vendors in proceedings under said section; providing appropriations; providing effective dates.

—was referred to the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

By the Committee on Highway Safety and Construction; and Representative Rehm—

**CS for HB 897**—A bill to be entitled An act relating to motor vehicles; amending s. 316.515, F.S.; excluding recreational vehicles from the category of straight trucks with respect to length limitations; providing size limitations for private motor coaches; amending s. 320.01, F.S.; redefining the term "motor home" to provide a maximum length limitation; including the term "private motor coach" in the definition of "motor vehicle"; amending s. 320.08, F.S.; revising license taxes for recreational vehicles and park trailers; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By the Committees on Appropriations and Higher Education and Representative Young and others—

**CS for CS for HB 986**—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; revising criteria for determination of resident status for tuition purposes; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the State Student Assistance Grant Fund; increasing the maximum grant award; deleting certain funding requirements; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; establishing the Florida Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; establishing the Florida Postsecondary Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4099, F.S.; providing for specific appropriations categories in accordance with ss. 240.409, 240.4095, and 240.4097, F.S.; amending and renumbering s. 240.401, F.S., relating to state tuition vouchers; providing legislative intent; revising conditions for eligibility; revising the amount of vouchers; amending s. 240.404, F.S.; revising residency requirements for student eligibility for state financial aid; correcting cross references; amending ss. 240.414, 240.437, and 240.4068, F.S.; correcting cross references and conforming provisions; amending s. 240.429, F.S.; requiring the Department of Education to maintain records on student loan default rates; requiring an annual report; creating s. 240.609, F.S.; establishing the Florida Postsecondary Endowment Grants Trust Fund; providing legislative intent; providing for moneys to remain in the trust fund; providing eligibility for matching endowment grants; specifying matching provisions and providing restrictions; providing for certification of contributions; providing for use of funds; providing for rules; amending s. 240.2605, F.S.; providing for moneys to remain in the Trust Fund for Major Gifts; revising the allocation formula of the trust fund for matching private contributions; providing technical revisions; providing for prior contributions; authorizing combined contributions under certain conditions; prohibiting the expenditure of funds from the endowment; amending s. 320.0808, F.S., to conform terminology; providing an effective date.

—was referred to the Committees on Higher Education; Finance, Taxation and Claims; and Appropriations.

By the Committee on Criminal Justice and Representative Silver and others—

**CS for HB 1029**—A bill to be entitled An act relating to crimes against the elderly; creating s. 784.08, F.S.; providing enhanced criminal penalties for aggravated assault, aggravated battery, battery, or assault against an elderly person, including mandatory sentencing, a fine, and restitution; reclassifying certain crimes; prohibiting withholding adjudication; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committee on Criminal Justice and Representatives Silver and King—

**CS for HB 1033**—A bill to be entitled An act relating to criminal penalties; amending s. 775.087, F.S.; adding controlled substance violations to the offenses punishable with mandatory penalties when committed while in possession of certain weapons; providing for essential element determination in enhancement of felony penalties when a weapon is used and is not an essential element of the felony; and reenacting ss. 944.277(1)(b) and 944.598(3), F.S., relating to provisional credits and emergency release of prisoners, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Sanderson—

**HB 1061**—A bill to be entitled An act relating to athletic facilities; establishing a sports facilities advisory council; providing for duties; providing for membership; providing for reimbursement; providing for financial disclosure; providing for officers; providing for contents of applications for funding; providing for reporting; prohibiting preclusion of the State of Florida Sports Hall of Fame; creating a trust fund; providing for release of funds; prohibiting certain athletic franchises from applying for funds; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Appropriations and Representative Crotty and others—

**CS for CS for HB's 1195, 1081, 1139 and 1217**—A bill to be entitled An act relating to solicitation of funds; repealing chapter 496, F.S., consisting of the Solicitation of Charitable Contributions Act and the Law Enforcement and Emergency Service Solicitation of Contributions Act; creating ss. 496.001-496.011, F.S., the Solicitation of Funds Act; providing intent and application of the act; providing definitions; requiring persons soliciting contributions to disclose certain information upon request to prospective donors; providing penalties; prohibiting certain acts in connection with solicitation of funds; providing requirements with respect to funds solicited; requiring that all contributions solicited for named individuals be deposited in a trust account or depository established in accordance with s. 69.031, F.S., and providing for disbursements therefrom; providing jurisdiction of the circuit courts; providing penalties; specifying that more stringent provisions may be adopted by local governments; providing for investigations by the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing for issuance of subpoenas; providing for injunctive and other relief; providing for assessment of costs; providing for civil remedies and enforcement by the Department of Legal Affairs; providing for a public information campaign; repealing s. 933.14(6), F.S., which prohibits persons registered under the Law Enforcement and Emergency Service Solicitation of Contributions Act from operating a private criminal justice training school; providing an appropriation; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; Judiciary-Criminal; and Appropriations.

By the Committee on Health Care and Representative Bloom—

**CS for HB 1196**—A bill to be entitled An act relating to nursing scholarships; creating s. 240.4075, F.S.; establishing a student loan forgiveness program for nurses who are employed in nursing homes and hospitals in the state and in state-operated medical and health care facilities, federally sponsored community health centers and teaching hospitals; providing loan forgiveness provisions; creating the Nursing Student Loan Forgiveness Trust Fund; authorizing the use of trust fund money for specified purposes; imposing an additional license fee for the practice of nursing; providing for the matching of trust fund dollars; providing for rules; providing for implementation of the program; providing an effective date.

—was referred to the Committees on Health Care; Economic, Professional and Utility Regulation; and Appropriations.

By the Committee on Commerce and Representative Ritchie—

**CS for HB 1248**—A bill to be entitled An act relating to mortgages; amending s. 494.02, F.S.; providing definitions; amending s. 494.03, F.S.; providing additional exemptions from the Mortgage Brokerage Act; cre-

ating s. 494.036, F.S.; providing for certification of registrants; amending s. 494.039, F.S.; changing requirements for registration of mortgage brokerage businesses to require a minimum net worth; amending s. 494.0391, F.S.; providing for rules; amending s. 494.055, F.S.; clarifying the penalty for failure to maintain minimum net worth; amending s. 494.08, F.S.; changing requirements and prohibitions; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Criminal Justice and Representative Irvine—

**CS for HB 1267**—A bill to be entitled An act relating to the statewide criminal analysis laboratory system; creating s. 943.325, F.S.; providing for blood specimen testing for DNA analysis of persons convicted of specified offenses; providing testing criteria; providing for a designated testing facility; providing for limited release of information and providing an exemption from the public records law; providing recordkeeping duties; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; and Corrections, Probation and Parole.

By the Committee on Insurance and Representatives Ascherl and Deutsch—

**CS for HB 1396**—A bill to be entitled An act relating to insurance; creating s. 626.2815, F.S.; establishing requirements and standards for continuing education courses for persons licensed to sell or solicit insurance; providing for application; providing exceptions; providing education requirements; providing for compliance; providing penalties; creating a continuing education advisory board appointed by the Insurance Commissioner and Treasurer; providing for review and repeal; providing an appropriation; providing an effective date.

(Substituted for CS for SB 1374 on the special order calendar this day.)

By the Committee on Commerce and Representative Saunders—

**CS for HB 1479**—A bill to be entitled An act relating to areas of critical state concern; amending s. 380.0552, F.S.; delays the possible removal of the designation as an area of critical state concern for one year; amending s. 125.0108, F.S.; providing that the area of critical state concern tourist impact tax shall continue until all bonds and interest thereon have been paid; providing for determination of distribution of bond proceeds and revenue support when separate areas of critical state concern are affected; increasing the amount that may be used for administration; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By the Committee on Regulated Industries and Representative Press—

**CS for HB 1549**—A bill to be entitled An act relating to public lodging establishments; requiring public lodging establishments which impose a surcharge for telephone calls made by its guests to post notice thereof; providing for the suspension or revocation of licenses of, or imposition of fines against, establishments which fail to do so; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Long—

**HJR 245**—A joint resolution proposing amendments to Sections 3 and 5 of Article XI of the State Constitution relating to constitutional amendment by initiative petition.

—was referred to the Committees on Ethics and Elections; and Rules and Calendar.

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 74 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 74**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.271, F.S.; providing additional requirements under which the Department of Highway Safety and Motor Vehicles may reinstate, for business or employment purposes, a driver's license that has been revoked under specified circumstances; providing requirements

under which the department may reinstate, for employment purposes, a driver's license that has been permanently revoked; providing requirements for retaining such license; conforming language; providing an effective date.

**Amendment 1**—On page 3, line 23, strike "employment" and insert: *business*

Senator Langley moved the following amendment to House Amendment 1 which was adopted:

**Amendment 1**—On page 1, line 12, strike "business" and insert: *employment purposes only for one year and for business purposes only after one year*

On motion by Senator Girardeau, the Senate concurred in the House amendment as amended and the House was requested to concur in the Senate amendment to the House amendment.

SB 74 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Kirkpatrick	Scott
Bankhead	Forman	Kiser	Souto
Beard	Gardner	Langley	Stuart
Brown	Girardeau	Malchon	Thomas
Bruner	Gordon	Margolis	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard

Nays—1

Ros-Lehtinen

Vote after roll call:

Yea—Crenshaw

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 303 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 303**—A bill to be entitled An act relating to property leased or lease-purchased by a county for public purposes; amending s. 125.031, F.S.; extending the term for which a county may lease or lease-purchase properties using funds arising from ad valorem taxation to pay the rent; providing an effective date.

**Amendment 1**—On page 1, line 29, after the period, insert:

Section 2. Paragraph (a) of subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best or, alternatively, in the case of an airport or seaport operation or facility lease, or a modification of an existing lease of real property, or a new extension thereof for an additional term not to exceed 25 years, where the improved leasehold has an appraised value in excess of twenty million dollars, after negotiation, for such length of term and such conditions as the governing body may in its discretion determine. In the case of a seaport, however, leased space may not be negotiated for a hotel; retail establishment; or an office complex except for port users in excess of 25,000 square feet, and any leased space for an office complex except for port users of less than 25,000 square feet must be reasonable and necessary for the operation of the port and must be physically located within the jurisdiction of the port authority.

(Renumber subsequent section.)

**Amendment 2**—On page 1 in the title, line 7, after the semicolon, insert: amending s. 125.35, F.S.; revising language with respect to the authority of a county to lease certain property;

On motions by Senator Davis, the Senate concurred in the House amendments.

SB 303 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Souto
Bankhead	Deratany	Kirkpatrick	Stuart
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	

Nays—2

Gordon Ros-Lehtinen

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 330 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 330**—A bill to be entitled An act relating to state lands; amending s. 253.034, F.S.; excluding the sale of certain lands by the Board of Trustees of the Internal Improvement Trust Fund from review by the Land Management Advisory Committee; clarifying an exclusion from the application of said section relating to leases of state lands for private uses and purposes; amending s. 253.04, F.S.; authorizing the board of trustees to impose an administrative fine for failure to comply with an order to remove or alter a structure located on state lands; authorizing the board of trustees to remove or alter such a structure and recover the cost of removal or alteration; clarifying provisions providing that fines imposed and damages awarded under the section constitute liens on the violator's property; clarifying provisions providing for the disposition of fines and damages collected; amending s. 253.111, F.S.; eliminating the public purpose requirement as a condition of the sale of certain state lands to a county; revising the procedure with respect to such a sale; revising the method for fixing the price the county must pay for such lands; amending s. 253.115, F.S.; excluding certain sovereignty land leases for existing structures by the board of trustees and other conveyances of a certain size from public notice and hearing requirements; amending s. 260.015, F.S.; providing an alternative procedure for the Department of Natural Resources to acquire abandoned railroad rights-of-way under the Florida Rails to Trails Program; amending ss. 193.085(3) and 253.03(8), F.S.; providing that real property listed on assessment rolls in the name of the state shall not be changed except under certain conditions; providing that property appraisers shall notify state agencies of certain deeds; amending s. 375.031, F.S.; deleting requirements for filing a statement relating to land acquisition with the Department of State; providing an effective date.

**Amendment 1**—On page 5, line 7, after the word "agent" insert: as described in subsection (2) of this section

**Amendment 2**—On page 2, line 13, after the semicolon (;) insert: amending s. 253.025(1), F.S., 1988 Supplement; providing for the use of federal appraisals for certain acquisitions;

On motions by Senator Brown, the Senate concurred in the House amendments.

SB 330 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Jennings	Ros-Lehtinen
Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Peterson	Weinstock
Crenshaw	Grizzle	Plummer	Woodson-Howard

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 368 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 368**—A bill to be entitled An act relating to health insurance; amending ss. 627.626 and 627.6645, F.S.; requiring individual and group health insurance policies to provide a minimum notice of cancellation, nonrenewal, and change in premium; providing an effective date.

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Section 627.626, Florida Statutes, is amended to read:

627.626 *Notification of cancellation, nonrenewal, or change in rates.*—

(1) *Any insurer delivering or issuing an individual health insurance policy subject to this part shall give the policyholder at least 45 days' advance written notice of cancellation, nonrenewal, or a change in rates. Such notice shall be mailed to the policyholder's last address as shown by the records of the insurer. However, if cancellation is for nonpayment of premium, at least 10 days' written notice accompanied by the reason therefor shall be given. The contract may include the following provision:*

*"Cancellation: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than 20 days thereafter, such cancellation shall be effective; and, after the policy has been continued beyond its original term, the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice."*

(2) In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.<sup>2</sup>

(3) *If the insurer fails to provide the 45 days' notice required by this section, the coverage shall remain in effect at the existing premium until 45 days after the notice is given or until the effective date of replacement coverage obtained by the insured, whichever occurs first.*

Section 2. Section 627.6645, Florida Statutes, is amended to read:

627.6645 *Notification to insureds of cancellation, or expiration, nonrenewal, or change in rates.*—

(1) Every insurer delivering or issuing for delivery a group health insurance policy under the provisions of this part shall give the policyholder at least 45 days' advance notice of cancellation, expiration, nonrenewal, or a change in rates. Such notice shall be mailed to the policyholder's last address as shown by the records of the insurer. However, if cancellation is for nonpayment of premium, the requirements of this section shall not apply. ~~notify each certificateholder when the master policy has expired or when the master policy has been canceled. The insurer may take such action through the policyholder; and, if the insurer elects to take such action through the policyholder, the insurer shall be deemed to have complied with the provisions of this section upon notifying the policyholder of the requirements of this section and requesting~~

~~the policyholder to forward to the certificateholders the notice required in this section.~~ Upon receipt of such notice ~~a request~~, the policyholder shall forward, as soon as practicable, the notice of expiration, or cancellation, or nonrenewal to each certificateholder covered under the policy.

(2) If an insurer bills any certificateholder directly at his home address for collection of any premiums due, the notice required by subsection (1) shall be provided by the insurer directly to each such certificateholder covered under the policy.

(3) If the insurer fails to provide the 45-day notice required by this section, the coverage shall remain in effect at the existing rates until 45 days after the notice is given or until the effective date of replacement coverage obtained by the insured, whichever occurs first.

Section 3. This act shall take effect October 1, 1989, and shall apply to any policy or contract issued or renewed on or after that date.

**Amendment 2**—Strike the title and insert: An act relating to health insurance; amending ss. 627.626 and 627.6645, F.S.; requiring individual and group health insurance policies to provide a minimum notice of cancellation, nonrenewal, and change in rates; providing an effective date.

On motions by Senator Ros-Lehtinen, the Senate concurred in the House amendments.

SB 368 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 452 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 452**—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.401, F.S.; providing for the perfection of a security interest in certain equipment used in farming operations by filing in the office of the Department of State; providing an effective date.

**Amendment 1**—On page 2, line 3, insert a new section 2:

Section 2. There is hereby appropriated to the Department of State, Division of Corporations, two positions and \$83,341 from the Corporations Trust Fund for the 1989-90 fiscal year to carry out the provisions of this act.

(Renumber subsequent section.)

**Amendment 2**—On page 1, line 6, after the semicolon (;) insert: providing an appropriation;

On motions by Senator Dudley, the Senate concurred in the House amendments.

SB 452 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstock
Childers, D.	Grant	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Peterson	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Weinstein

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 467 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 467**—A bill to be entitled An act relating to construction contracting; amending s. 471.003, F.S.; providing an exemption to the engineering licensing law; amending s. 481.229, F.S.; providing an exemption to the architect licensing and certification law; amending s. 489.103, F.S.; providing an exemption to the contracting licensure law; amending s. 481.329, F.S.; providing an exemption to the landscape architecture licensure law; providing an effective date.

**Amendment 1**—On page 2, line 21, after "rendered by a" insert: *registered or*

On motion by Senator Jennings, the Senate concurred in the House amendment.

CS for SB 467 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered, amended and passed with amendment, SB 1379, and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 1379**—A bill to be entitled An act relating to the City of Jacksonville; amending s. 19.06, ch. 67-1320, Laws of Florida, as amended; exempting certain positions from the civil service system of the city; providing an effective date.

**Amendment 1**—On page 1, strike all of line 26

On motion by Senator Girardeau, the Senate concurred in the House amendment.

SB 1379 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Kiser	Stuart
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Souto	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, passed HB 483 as amended and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**HB 483**—A bill to be entitled An act relating to remedies for unlawful taking; amending s. 772.11, F.S.; providing for a minimum damages recovery for persons injured by specified theft offenses; providing a procedure for written demand and written release; providing for recovery of damages from the parents or legal guardian of a minor; amending s. 68.065, F.S., relating to civil action to collect worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending s. 832.07, F.S., relating to criminal proceedings for uttering worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending ss. 125.0105 and 166.251, F.S., relating to service fees for dishonored checks issued to counties and municipalities, respectively; increasing the service fee; creating s. 832.05(9), F.S.; relating to form of complaint for worthless checks; providing an effective date.

**Amendment 1 to Senate Amendment 1**—Strike all language and insert: On page 2, line 15; on page 3, line 2; on page 4, line 17; on page 5, line 7; and on page 6, lines 7 and 19, strike "\$20" and insert: \$15

On motion by Senator Souto, the Senate concurred in the House amendment to Senate Amendment 1.

HB 483 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Beard, Plummer

On motions by Senator Kiser, by unanimous consent—

**HB 579**—A bill to be entitled An act relating to the Sports Advisory Council of the Department of Commerce; amending s. 20.17, F.S.; authorizing the department to contract with a direct-support organization to promote and develop professional sports and related industries; prescribing qualifications for the direct-support organization; specifying contract requirements; providing for the use of property and services of the department; providing for audits; exempting certain information from the public records requirements of ch. 119, F.S.; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 579 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Souto	

Nays—None

**Motion**

On motion by Senator Dudley, the House was requested to return **SB 1216**.

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 332 and 671.

*John B. Phelps, Clerk**The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB's 932, 357, 396, 465 and 775, CS for CS for SB 1305 and CS for SB 1414.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**SPECIAL ORDER**

On motion by Senator Beard, by two-thirds vote HB 1723 was withdrawn from the Committee on Transportation.

On motion by Senator Beard—

**HB 1723**—A bill to be entitled An act relating to the Medical Advisory Board in the Department of Highway Safety and Motor Vehicles; amending s. 322.125, F.S.; providing an exemption from public meetings requirements for a board member's individual review and evaluation of a driver's qualifications; saving the exemption from public records requirements for reports received or made by the board from repeal; providing for future review and repeal; amending s. 322.126, F.S., which provides an exemption from public records requirements for reports of disabilities received by the department; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 262 and read the second time by title.

Senator Beard moved the following amendments which were adopted:

**Amendment 1**—On page 3, between lines 9 and 10, insert:

Section 3. Subsections (3) and (8) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(3) The department shall maintain convenient records or make suitable notations, in order that the individual driver history record of each licensee is readily available for the consideration of the department upon application for renewal of a license and at other suitable times. *Notwithstanding the provisions of s. 119.14*, the release by the department of the driver history record, with respect to accidents involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle accident unless the licensee received a traffic citation as a direct result of the accident, *and to this extent such notation or record is exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(8) The department may, upon application, furnish to any person, from the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. Each person who requests such infor-

mation shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to any state agency or to any state attorney, sheriff, or chief of police. *Notwithstanding the provisions of s. 119.14, such state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Non-compliance with this prohibition shall authorize the department to charge the noncomplying state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

Section 4. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic licenses.—

(4) The department shall maintain a film negative or print file. Prints from the file shall be made and issued only for departmental administrative purposes, for the issuance of duplicate licenses, or in response to law enforcement agency requests approved by the department and are exempt from the provisions of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Each request from a law enforcement agency shall be submitted in writing by the head of the agency or his designated representative. It shall contain a brief explanation of the case and a statement that the case involves an active felony investigation and that a photograph of the licensee is not otherwise available.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, strike all of lines 1-16 and insert: A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending ss. 322.125, 322.126, 322.142, F.S.; continuing the confidentiality of reports received or made by the Medical Advisory Board of the department, of reports received by the department concerning the physical or mental disability of a licensed driver or applicant, and of film negatives and prints maintained by the department of driver licenses, notwithstanding the Open Government Sunset Review Act; providing an exemption from public meeting requirements for a Medical Advisory Board member's individual review and evaluation of a driver's qualifications; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; amending s. 322.20, F.S.; continuing the confidentiality of records of traffic accidents for which no citation is issued, notwithstanding the Open Government Sunset Review Act; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; repealing the prohibition on the release by public agencies of lists of licensed drivers obtained from the department; providing an effective date.

On motion by Senator Beard, by two-thirds vote HB 1723 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

Consideration of CS for SB 776 was deferred.

**SB 1171**—A bill to be entitled An act relating to gambling; amending s. 849.17, F.S.; deleting the requirement that the clerk of the circuit court retain all gambling machines, apparatus, or devices, and contents, for arrests made with respect to the gambling statutes; requiring that the arresting agency retain such equipment and material; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Thurman and adopted:

**Amendment 1**—On page 2, between lines 10 and 11, insert:

Section 2. Section 43.195, Florida Statutes, is amended to read:

43.195 Disposal of physical evidence filed as exhibits.—The clerk of any circuit court or county court may dispose of items of physical evidence which have been held as exhibits in excess of 3 10 years in cases on which no appeal is pending or can be made. Items of evidence having no monetary value which are designated by the clerk for removal shall be disposed of as unusable refuse. Items of evidence having a monetary value which are designated for removal by the clerk shall be sold and the revenue placed in the clerk's general revenue fund.

Section 3. Section 849.16, Florida Statutes, is amended to read:

849.16 Machines or devices which come within provisions of law defined.—

(1) Any machine or device is a slot machine or device within the provisions of this chapter if it is one that is adapted for use in such a way that, as a result of the insertion of any piece of money, coin, or other object, such machine or device is caused to operate or may be operated and if the user, by reason of any element of chance or of any other outcome of such operation unpredictable by him, may:

(a)(1) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or

(b)(2) Secure additional chances or rights to use such machine, apparatus, or device, even though it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, indication of weight, entertainment, or other thing of value.

(2) *Nothing contained in this chapter shall be construed, interpreted, or applied to the possession of a reverse vending machine. As used in this section, a reverse vending machine is a machine into which empty beverage containers are deposited for recycling and which provides a payment of money, merchandise, vouchers, or other incentives. At a frequency less than upon the deposit of each beverage container, a reverse vending machine may pay out a random incentive bonus greater than that guaranteed payment in the form of money, merchandise, vouchers, or other incentives. The deposit of any empty beverage container into a reverse vending machine does not constitute consideration nor shall a reverse vending machine be deemed to be a slot machine within this section.*

(Renumber subsequent section.)

Senator Thurman moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, line 8, following the semicolon (;) insert: amending s. 43.195, F.S.; providing that clerk of court may dispose of property after 3 years in certain circumstances; amending s. 849.16, F.S.; providing for use of reverse vending machines;

On motion by Senator Thurman, by two-thirds vote SB 1171 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	McPherson	Thomas
Bruner	Girardeau	Meek	Thurman
Casas	Gordon	Myers	Walker
Childers, D.	Grant	Peterson	Weinstein
Childers, W. D.	Grizzle	Plummer	Weinstock
Crenshaw	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

On motions by Senator Meek, by two-thirds vote—



**HB 720**—A bill to be entitled An act relating to personnel of school districts and community college districts; amending s. 231.495, F.S.; authorizing district school boards to purchase annuities for certain school personnel under certain circumstances; amending s. 240.344, F.S.; authorizing community college district boards of trustees to purchase annuities for certain community college personnel under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 434 and by two-thirds vote read the second time by title. On motion by Senator Meek, by two-thirds vote HB 720 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Malchon	Stuart
Bankhead	Dudley	Margolis	Thomas
Beard	Forman	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grant	Peterson	Weinstock
Childers, D.	Grizzle	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Scott	
Davis	Langley	Souto	

Nays—None

On motions by Senator Meek, by two-thirds vote HB 931 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Community Affairs.

On motion by Senator Meek—

**HB 931**—A bill to be entitled An act relating to collective bargaining; amending s. 447.603, F.S.; authorizing the Public Employees Relations Commission to assume jurisdiction over local commissions under certain circumstances; providing for a hearing; providing an effective date.

—a companion measure, was substituted for SB 978 and read the second time by title. On motion by Senator Meek, by two-thirds vote HB 931 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Girardeau	McPherson	Thurman
Brown	Gordon	Meek	Walker
Bruner	Grant	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Johnson	Plummer	Woodson-Howard
Childers, W. D.	Kirkpatrick	Ros-Lehtinen	
Crenshaw	Langley	Souto	

Nays—None

### Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which SB 1171 as amended passed.

On motions by Senator Thurman, by two-thirds vote—

**CS for HB 102**—A bill to be entitled An act relating to gambling; amending s. 849.17, F.S.; deleting the requirement that the clerk of the circuit court retain all gambling machines, apparatus, or devices, and contents, for arrests made with respect to the gambling statutes; requiring that the arresting agency retain such equipment and material; amending s. 43.195, F.S.; providing that clerk of court may dispose of property after 3 years in certain circumstances; amending s. 849.16, F.S.; providing for use of reverse vending machines; providing an effective date.

—a companion measure, was substituted for SB 1171 as amended and read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 102 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Girardeau	McPherson	Thurman
Brown	Gordon	Meek	Walker
Bruner	Grant	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Johnson	Plummer	Woodson-Howard
Childers, W. D.	Kirkpatrick	Ros-Lehtinen	
Crenshaw	Langley	Souto	

Nays—None

On motions by Senator Thurman, by two-thirds vote—

**HB 912**—A bill to be entitled An act relating to public food service establishments; amending s. 509.013, F.S.; revising an exclusion from the definition of such establishments for certain nonprofit organizations; amending s. 509.232, F.S.; providing that carnivals and similar events operated by such organizations are exempt from certain temporary food service regulations; providing an effective date.

—a companion measure, was substituted for SB 1340 and by two-thirds vote read the second time by title.

Senators Thurman and Thomas offered the following amendments which were moved by Senator Thurman and adopted:

**Amendment 1**—On page 2, between lines 19 and 20, insert:

6. Any food service establishment where only whole cakes are prepared to be called for or taken out by customers for service elsewhere and where the establishment is permitted as a small bakery by the Department of Agriculture and Consumer Services under the provisions of chapter 500.

**Amendment 2**—In title, on page 1, line 6, after "organizations," insert: creating an exclusion from the definition of such establishments;

On motion by Senator Thurman, by two-thirds vote, HB 912 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

Consideration of **CS for SB 676** was deferred.

**CS for SB 532**—A bill to be entitled An act relating to child support; amending s. 61.30, F.S.; providing presumptive guidelines to be used by the trier of fact in ordering payment of child support; providing for deviation from the use of presumptive guidelines by the trier of fact; providing that the court may deviate from the guideline schedule by a specific percent; providing for the adjustment of the guideline minimum child support award under certain circumstances; providing the IV-D agency periodically shall review the guidelines and make recommendations to the Legislature; amending s. 742.12, F.S.; providing that in certain circumstances, the court shall require certain persons to submit to tests to establish paternity; providing an effective date.

—was read the second time by title.

Further consideration of **CS for SB 532** was deferred.

**CS for SB 776**—A bill to be entitled An act relating to transportation; amending s. 287.022, F.S.; authorizing the Department of Insurance to purchase certain title insurance; amending s. 335.17, F.S.; deleting provisions relating to noise abatement by means of vegetative barriers; providing for noise abatement standards; amending s. 335.1825, F.S.; providing for the enforcement of access permitting by injunctive relief;

amending s. 335.188, F.S.; revising language with respect to access management standards; amending s. 337.25, F.S.; eliminating a requirement that an inventory of real or personal property acquired by the department must be filed in Tallahassee; expanding provisions relating to negotiations for lease; authorizing the department to disburse funds for real estate closings under certain circumstances; authorizing the department to purchase title insurance in certain situations; amending s. 337.27, F.S.; including reference to property acquired by donation for a transportation facility or in a transportation corridor; amending s. 337.274, F.S.; authorizing the department to enter lands for the purpose of making appraisals of environmental assessments; amending s. 337.401, F.S.; authorizing injunctive relief to enforce provisions of law relating to right-of-way for utilities; amending s. 337.241, F.S.; providing for granting a variance from a building setback line; providing procedures for applying for such variance and for responding to the application; providing for an appeal of a decision to grant such variance; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 12, between lines 18 and 19, insert:

Section 10. Notwithstanding any other provision of law to the contrary, the Department of Transportation may not establish a cap on the number of miles in the State Highway System or a maximum number of miles of urban principal arterial roads, as defined in section 334.03, Florida Statutes, within a district or county.

Section 11. An affected local government may seek administrative and judicial review, pursuant to chapter 120, Florida Statutes, of decisions by the Department of Transportation regarding the functional classification of roads pursuant to section 335.04, Florida Statutes.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 2, line 4, after the semicolon (;) insert: prohibiting the Department of Transportation from establishing a cap on the State Highway System or a maximum number of urban principal arterial road miles within a district or county; providing for administrative and judicial review of the functional classification of roads;

On motion by Senator Kiser, by two-thirds vote CS for SB 776 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Consideration of CS for HB 877 was deferred.

**CS for SB 335**—A bill to be entitled An act relating to corrections; amending s. 944.023, F.S.; requiring the Department of Corrections to develop a comprehensive correctional master plan and submit it to the Governor and the Legislature; providing for the purposes and the contents of the plan; amending s. 944.277, F.S.; defining the term "lawful capacity" for the purpose of granting provisional credits; repealing s. 944.096(1), F.S., relating to the required inmate-to-population ratio and the appropriation process; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Grant and adopted:

**Amendment 1**—On page 7, line 6, insert new section:

Section 3. Paragraph (a) of subsection (5) of section 216.136, Florida Statutes, 1988 Supplement, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties—The Criminal Justice Estimating Conference shall develop such official information relating to the criminal justice system, including forecasts of prison population and supervised caseload, and forecasts of prison admissions by the offense categories specified in Rule 3.701, Florida Rules of Criminal Procedure, as the conference determines is needed for the state planning and budgeting system.

(Renumber subsequent sections.)

**Amendment 2**—On page 2, strike all of lines 7-13 and insert:

(a) "Criminal Justice Estimating Conference" shall mean the Criminal Justice Estimating Conference as defined in section 216.136(5), F.S., 1988 Supplement, as amended.

**Amendment 3**—On page 3, strike line 26 and insert:

(b) A plan developed by the Correctional Education School Authority in coordination with the department for the comprehensive vocational and

**Amendment 4**—On page 4, strike lines 1 and 2 and insert: evaluated annually by the Correctional Education School Authority, based upon stated goals and objectives, to determine their cost.

**Amendment 5**—On page 4, strike all of lines 5-11 and insert:

(c) A plan for contracting with local facilities and programs as short-term confinement resources of the department for offenders who are sentenced to 3 years or less, or who are within 3 years or less of their anticipated release date, and for the integration of detention services which have community-based programs. The plan shall designate such facilities and programs by region of the state and identify, by county, the capability for local incarceration.

**Amendment 6**—On page 4, strike line 27 and insert: in the correctional system as defined in s. 945.01, to the general population of

**Amendment 7**—On page 5, line 18, after "944.277." insert: Included in the master plan which projects operating and capital outlay costs shall be a siting plan which shall assess, rank, and designate appropriate sites pursuant to s. 944.095(2)(a-k).

Senator Grant moved the following amendments which were adopted:

**Amendment 8**—On page 2, lines 1-31; on page 3, lines 1-31; on page 4, lines 1-30; on page 5, lines 1-30; on page 6, lines 1-30; and on page 7, lines 1-5, strike all of said lines and insert:

Section 1. Section 941.45, Florida Statutes, is amended to read:

941.45 *Interstate Agreement on Detainers.*—The interstate compact known as the "Interstate Agreement on Detainers" is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in the form substantially as follows:

#### INTERSTATE AGREEMENT ON DETAINERS ARTICLE I Policy and Purpose

(1) ~~POLICY AND PURPOSE.~~—The party states find that charges outstanding against a prisoner, detainees based on untried indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

#### ARTICLE II Definitions

(2) ~~DEFINITIONS.~~—As used in this agreement:

(a) "State" means the United States of America, a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Sending state" means a state in which a prisoner is incarcerated at the time he initiates a request for final disposition pursuant to *ARTICLE III subsection (3)* or at the time that a request for custody or availability is initiated pursuant to *ARTICLE IV subsection (4)*.

(c) "Receiving state" means the state in which trial is to be had on an indictment, information, or complaint pursuant to *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*.

### *ARTICLE III* *Request for Final Disposition*

#### ~~(3) REQUEST FOR FINAL DISPOSITION.—~~

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainees have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d), and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this *agreement section*. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) shall void the request.

### *ARTICLE IV* *Request for Custody or Availability*

#### ~~(4) REQUEST FOR CUSTODY OR AVAILABILITY.—~~

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with *ARTICLE V(a) subsection (5)(a)* upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a), the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainees against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this *ARTICLE subsection*, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this *ARTICLE subsection* shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a), but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to paragraph (e) of *ARTICLE V subsection (5)*, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

### *ARTICLE V* *Offer to Deliver Temporary Custody*

#### ~~(5) OFFER TO DELIVER TEMPORARY CUSTODY.—~~

(a) In response to a request made under *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in *ARTICLE III subsection (3)*. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this *ARTICLE section* or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

1. Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given, and

2. A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this *ARTICLE* section shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this *agreement section*, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this *agreement section*, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this *ARTICLE* section is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this *agreement section* until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs or responsibilities therefor.

#### ARTICLE VI

##### *Tolling Period and Limitations*

#### ~~(6) TOLLING PERIOD AND LIMITATIONS.~~

(a) In determining the duration and expiration dates of the time periods provided in *ARTICLES III subsections (3)* and *IV (4)*, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this *agreement section*, and no remedy made available by this *agreement section*, shall apply to any person who is adjudged to be mentally ill.

#### ARTICLE VII

##### *Designation of Officer*

~~(7) DESIGNATION OF OFFICER.~~—Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement and who shall provide, within and without the state, information necessary to the effective operation of this *agreement section*.

#### ARTICLE VIII

##### *Effectiveness and Withdrawal*

~~(8) EFFECTIVENESS AND WITHDRAWAL.~~—This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

#### ARTICLE IX

##### *Construction and Severability*

~~(9) CONSTRUCTION AND SEVERABILITY.~~—This *agreement section* shall be liberally construed so as to effectuate its purposes. The provisions of this *agreement section* shall be severable, and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this *agreement section* and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 2. Section 944.023, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 944.023, F.S., for present text.)*

944.023 Comprehensive correctional master plan.—

(1) As used in this section, the term:

(a) "Criminal Justice Estimating Conference" means the designated professional staffs of the Governor's office, the Legislature, and the Supreme Court who meet in regularly scheduled meetings chaired by the state economist or his designee to forecast total inmate admission counts and estimated inmate admissions by severity of offense and sentence length.

(b) "Lawful capacity" of the state correctional system means the total system capacity of all institutions and facilities in the prison system as determined either by the Legislature or by the courts.

(c) "State correctional system" means the system as defined in s. 944.02.

(2) The department shall develop a comprehensive correctional master plan. The master plan shall project the needs for the state correctional system for the coming 5-year period and shall be updated annually and submitted to the Governor's office and the Legislature at the same time the department submits its legislative budget request as provided in chapter 216.

(3) The purposes of the comprehensive correctional master plan shall be:

(a) To ensure that the penalties of the criminal justice system are completely and effectively administered to the convicted criminals and, to the maximum extent possible, that the criminal is provided opportunities for self-improvement and returned to freedom as a productive member of society.

(b) To the extent possible, to protect the public safety of the law-abiding citizens of this state and to carry out the laws protecting the rights of the victims of convicted criminals.

(c) To develop and maintain a humane system of punishment providing prison inmates with proper housing, nourishment, and medical attention.

(d) To provide fair and adequate compensation and benefits to the employees of the state correctional system.

(e) To the extent possible, to maximize the effective and efficient use of the principles used in private business.

(f) To provide that convicted criminals not be incarcerated for any longer period of time or in any more secure facility than is necessary to ensure adequate sanctions, rehabilitation of offenders, and protection of public safety.

(4) The comprehensive correctional master plan shall use the estimates of the Criminal Justice Estimating Conference and shall include:

(a) A plan for the decentralization of reception and classification facilities for the implementation of a systemwide diagnosis and evaluation capability for adult offenders. The plan shall provide for a system of psychological testing and evaluation as well as medical screening through department resources or with other public or private agencies through a purchase-of-services agreement.

(b) A plan for the comprehensive vocational and educational training of, and treatment programs for, offenders and their evaluation within each institution, program, or facility of the department, based upon the identified needs of the offender and the requirements of the employment market to which he will return upon release. Such programs shall be evaluated on an annual basis to determine cost-effectiveness and ability to reduce additional commitments based upon stated goals and objectives established by the department.

(c) A plan for the use of local jail facilities as short-term confinement resources of the department for offenders with sentences of 3 years or less and for the integration of detention services with community-based programs. Included in this plan shall be the designation of such facilities and programs within a regional framework of the state and identification by county of local capability for incarceration.

(d) A detailed analysis of methods to implement diversified alternatives to institutionalization when such alternatives can be safely employed. The analysis shall include an assessment of current pretrial intervention, probation, and community control alternatives and their cost-effectiveness with regard to restitution to victims, reimbursements for cost of supervision, and subsequent violations resulting in commitments to the department. Such analysis shall also include an assessment of current use of electronic surveillance of offenders and projected potentials for diverting additional categories of offenders from incarceration within the department.

(e) A detailed analysis of current incarceration rates of both the state and county correctional systems with the calculation by the department of the current and projected ratios of inmates in the state correctional system to the general population of the state which will serve as a basis for projecting construction needs.

(f) A plan for community-based facilities and programs for the reintegration of offenders into society whereby inmates who are being released shall receive assistance. Such assistance may be through work-release, transition assistance, release assistance stipend, contract release, post-release special services, temporary housing, or job placement programs. Special emphasis shall be placed on providing such services and post-release supervision to those inmates identified for early release through the award of provisional credits pursuant to s. 944.277.

(g) A plan reflecting parity of pay or comparable economic benefits for correctional officers with that of law enforcement officers in this state, and an assessment of projected impacts on turnover rates within the department.

(5) The comprehensive correctional master plan shall project by year the total operating and capital outlay costs necessary for constructing enough prison beds to avoid the additional awards of provisional credits to inmates, pursuant to s. 944.277. The master plan shall include an assessment of the department's current capability for providing the degree of security necessary to ensure public safety and should reflect the levels of security needed for the forecast admissions of various types of offenders based upon sentence lengths and severity of offenses. The plan shall also provide construction options for targeting violent and habitual offenders for incarceration while providing specific alternatives for the various categories of lesser offenders.

Section 3. Subsection (1) of section 944.277, Florida Statutes, 1988 Supplement, is amended to read:

944.277 Provisional credits.—

(1) Whenever the inmate population of the correctional system reaches 97.5 percent of lawful capacity as defined in s. 944.598 s. 944.096, the Secretary of Corrections shall certify to the Governor that such condition exists. When the Governor acknowledges such condition in writing, the secretary may grant up to 60 days of provisional credits equally to each inmate who is earning incentive gain-time, except to an inmate who:

(a) Is serving a sentence which includes a mandatory minimum provision for a capital offense or drug trafficking offense and has not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Is serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2);

(c) Is convicted, or has been previously convicted, of committing or attempting to commit sexual battery, incest, or a lewd or indecent assault or act;

(d) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of the offense;

(e) Is convicted, or has been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery;

(f) Is convicted, or has been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse; sexual battery against the child; or a lewd, lascivious, or indecent assault or act upon or in the presence of the child; or

(g) Is sentenced, or has previously been sentenced, under s. 775.084, or has been sentenced at any time in another jurisdiction as a habitual offender.

Section 4. Section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Social Services Estimating Conference, and the Transportation Estimating Conference.

(2) "Official information" means the data, forecasts, estimates, analyses, studies, and other information which the principals of a consensus estimating conference unanimously adopt for purposes of the state planning and budgeting system.

(3) "State planning and budgeting system" refers to the processes and functions prescribed in chapters 186 and 216 and ss. 215.32, 215.93, 215.94, and 944.023 944.096.

(Renumber subsequent sections.)

**Amendment 9**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 941.45, F.S.; providing for delineation of the Interstate Agreement on Detainers by articles rather than subsections;

**Amendment 10**—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 216.133, F.S.; correcting a reference;

The Committee on Appropriations recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 11**—In title, on page 1, strike line 10 and insert: provisional credits; amending s. 216.136(5), F.S., relating to the duties of the Criminal Justice Estimating Conference; repealing s. 944.096(1),

On motion by Senator Grant, by two-thirds vote CS for SB 335 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Casas	Deratany	Grant
Bankhead	Childers, D.	Forman	Jennings
Beard	Childers, W. D.	Gardner	Johnson
Brown	Crenshaw	Girardeau	Kirkpatrick
Bruner	Davis	Gordon	Kiser

Langley	Meek	Ros-Lehtinen	Walker
Malchon	Myers	Stuart	Weinstein
Margolis	Peterson	Thomas	Weinstock
McPherson	Plummer	Thurman	Woodson-Howard

Nays—1

Grizzle

**CS for SB 791**—A bill to be entitled An act relating to public safety; amending s. 235.06, F.S.; revising provisions relating to firesafety inspections of educational plants; amending s. 526.141, F.S.; revising regulations relating to self-service gasoline stations; amending s. 552.091, F.S.; revising license and permit fees of manufacturer-distributors, dealers, users, and blasters of explosives; amending s. 552.092, F.S.; requiring a processing fee for fingerprinting; amending s. 552.093, F.S.; providing an examination fee; amending s. 552.094, F.S.; revising age requirement for issuance of a license or permit; amending s. 552.161, F.S.; clarifying language relating to administrative fines; amending s. 552.171, F.S.; increasing the period of suspension and revocation of a license or permit; amending s. 552.25, F.S., relating to regulation by local government entities; amending s. 554.109, F.S.; providing for inspection of boilers and expanding exemptions; amending s. 554.111, F.S.; revising fees for certification of inspectors and for inspections; amending s. 624.515, F.S.; revising the State Fire Marshal regulatory assessment; amending s. 633.01, F.S.; clarifying duties of the State Fire Marshal relating to the service of fire extinguishers, pre-engineered systems, and individually designed fire protection systems and the training and licensing of persons engaged in such business; amending s. 633.021, F.S.; redefining "preengineered system"; amending s. 633.061, F.S.; revising requirements, including fees, of licensure and permitting of organizations and individuals servicing and installing fire extinguishers and preengineered systems; providing for continuing education; providing for written examination and fees; providing for identification cards; providing for license expiration; amending s. 633.065, F.S.; revising requirements relating to installation, inspection, and maintenance of fire extinguishers and preengineered systems; amending s. 633.071, F.S.; clarifying provisions relating to service tags and serial numbers; amending s. 633.083, F.S.; prohibiting the sale or use of additional types of fire extinguishers; amending s. 633.085, F.S.; requiring a fee schedule for inspections of state buildings and testing of firesafety equipment; amending s. 633.162, F.S.; providing that disciplinary action includes denial and nonrenewal of licenses and permits; providing additional grounds for such action; amending s. 633.163, F.S.; providing for an administrative fine in lieu of suspension or revocation; amending s. 633.171, F.S.; clarifying penalty provisions; amending s. 633.34, F.S.; revising qualifications for employment as a firefighter; amending s. 633.35, F.S.; revising the firefighter training program and requiring passage of an examination for certification; amending s. 633.351, F.S.; clarifying provisions relating to decertification; amending s. 633.41, F.S.; clarifying implementation of the saving clause; amending ss. 633.45, 633.46, and 633.461, F.S.; changing the name of the Fire College Trust Fund and use of funds therein; amending s. 633.524, F.S.; revising fire protection system contractor certificate fees; amending s. 633.537, F.S.; providing for maintaining such certificate in an inactive status; creating s. 633.539, F.S.; providing requirements for installation, inspection, and maintenance of fire protection systems; amending s. 633.547, F.S.; providing additional acts which constitute cause for disciplinary action; revising amount of administrative fine; amending s. 633.551, F.S.; prohibiting municipalities and counties from requiring certain drawings to be sealed; changing the date for submission of specified information on certified contractors; amending s. 633.554, F.S.; expanding application of law regulating contractors; amending s. 791.01, F.S.; revising definitions relating to the sale of fireworks; amending s. 791.015, F.S.; revising registration fees for seasonal retailers of sparklers and retailers of sparklers; creating the State Fire Marshal Scholarship Grant Trust Fund; providing purpose and expenditure procedures; providing investment procedures; creating a State Fire Marshal Scholarship Grant Fund Council; providing guidelines for the council; providing rulemaking authority; providing an appropriation; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendment which was adopted:

**Amendment 1**—On page 11, line 22, strike "300,000" and insert: 400,000

On motion by Senator Thurman, by two-thirds vote CS for SB 791 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

**CS for CS for SB 639**—A bill to be entitled An act relating to motor vehicle fraud; creating the "Odometer Fraud Prevention and Detection Act"; amending s. 319.001, F.S.; defining the term "used motor vehicle"; amending s. 319.14, F.S.; changing the term "for hire" to "lease"; deleting the exception to public disclosure of previous status for vehicles which are not current models; providing that when a certificate of title is branded to reflect a condition or prior use of the vehicle, the brand must be carried forward; amending s. 319.21, F.S.; permitting reassignment of out-of-state motor vehicle titles by dealers; deleting certain provisions relating to vehicles without certificates of title in this state; creating s. 319.225, F.S.; requiring that a statement of requirements of federal and state law relating to odometer disclosure be included on title certificates; providing for transfer and reassignment forms with odometer disclosure statements on the reverse of title certificates; requiring dealers to take title in certain circumstances; providing for use of separate dealer reassignment forms in certain situations; requiring odometer disclosure upon transfer of certain used vehicles; providing penalties for failure to make disclosure; prohibiting the same person from signing a disclosure statement as transferor and transferee in the same transaction except when a title certificate is held by a lienor and providing for signature by power of attorney in such a case; providing for notation of auctions and odometer readings at time of auction; requiring notations by auctioneers and providing a penalty for failure to so note; providing for construction in conformance with federal rules; amending s. 319.24, F.S.; providing that the Department of Highway Safety and Motor Vehicles record and maintain odometer mileage readings and that motor vehicle dealer license numbers be required for duplicate titles; amending s. 319.32, F.S.; increasing motor vehicle title transfer fees; amending s. 319.323, F.S.; increasing fees for expedited service; providing a revised timeframe; amending s. 320.27, F.S.; providing that motor vehicle dealers must have duly assigned certificates of title or must have made proper application for title or duplicate for any motor vehicle offered for sale; providing that a vehicle may not be sold until such certificate or proof of such application can be produced; deleting certain redundant provisions on use of reassignment forms by dealers; creating s. 320.90, F.S.; providing that dealers must provide retail purchasers of used motor vehicles with a consumer's rights pamphlet; amending s. 319.22, F.S.; deleting certain provisions related to notaries; deleting odometer disclosure requirements inconsistent with those provided in this act; amending s. 319.23, F.S.; deleting certain provisions relating to oaths and notaries; conforming said section to other provisions of this act; deleting a provision on applications for duplicate titles by dealers; prohibiting issuance of title until s. 319.225, F.S., has been complied with; amending s. 319.29, F.S.; providing for verification of applicants for duplicate title certificates under certain circumstances; creating s. 319.324, F.S.; creating the Odometer Fraud Prevention and Detection Trust Fund; providing for deposit of moneys into the fund; providing purposes of the fund; providing effective dates.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 16, strike all of lines 5-14 and insert:

320.90 Notification of consumer's rights.—The department shall develop a motor vehicle consumer's rights pamphlet which shall be distributed free of charge by the Department of Agriculture and Consumer Services to the motor vehicle owners upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.



**Amendment 2**—In title, on page 2, strike all of lines 27-29 and insert: 320.90, F.S.; requiring the Department of Agriculture and Consumer Services to provide a consumer's rights pamphlet to owners of motor vehicles;

On motion by Senator Forman, by two-thirds vote CS for CS for SB 639 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Souto

**SB 344**—A bill to be entitled An act relating to education; amending s. 229.59, F.S.; extending the subject areas that an educational improvement project may address; removing the limit on the amount that the Commissioner of Education can authorize for an educational improvement project grant; providing for the dissemination of the results of such projects; providing that such projects that are deemed to be exceptional by the Department of Education may be used as models for other such projects; providing for project assessment; repealing s. 244.07, F.S.; abolishing the Florida Education Council; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote SB 344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

On motions by Senator McPherson, by two-thirds vote HB 1389 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator McPherson—

**HB 1389**—A bill to be entitled An act relating to the Surface Transportation and Uniform Relocation Assistance Act of 1987; amending ss. 339.09 and 421.55, F.S.; correcting reference in the statutes to federal law; providing an effective date.

—a companion measure, was substituted for SB 648 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1389 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Casas	Deratany	Grant
Bankhead	Childers, D.	Dudley	Grizzle
Beard	Childers, W. D.	Forman	Jennings
Brown	Crenshaw	Gardner	Johnson
Bruner	Davis	Gordon	Kirkpatrick

Kiser	Meek	Ros-Lehtinen	Walker
Malchon	Myers	Souto	Weinstein
Margolis	Peterson	Stuart	Weinstock
McPherson	Plummer	Thurman	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Girardeau

Consideration of **SB 1259** was deferred.

**CS for CS for SJR 25**—A joint resolution proposing the creation of Section 18 of Article VII of the State Constitution, relating to general laws that require counties or municipalities to spend funds or that limit the ability of counties or municipalities to raise revenue or receive state revenue.

*Be It Resolved by the Legislature of the State of Florida:*

That the creation of Section 18 of Article VII of the State Constitution set forth below is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1990:

#### ARTICLE VII FINANCE AND TAXATION

**SECTION 18.** Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state revenue.—

(a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

(b) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.

(c) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection do not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written joint proclamation issued by the President of the Senate and the Speaker of the House of Representatives, or in cases in which the legislature provides additional state-shared revenues that are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues are subject to the same requirements for repeal or modification as provided in this section for state-shared tax source existing on February 1, 1989.

(d) Laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

(e) The legislature may enact laws to assist in the implementation and enforcement of this section.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 18

**LAWS AFFECTING LOCAL GOVERNMENTAL EXPENDITURES OR ABILITY TO RAISE REVENUE OR RECEIVE STATE REVENUE.**—Proposing an amendment to the State Constitution to excuse counties and municipalities from complying with a general law requiring them to spend funds unless the law fulfills an important state interest and unless it is enacted by two-thirds vote, funding or funding sources are provided, or certain other conditions are met; to prohibit general laws that have certain negative fiscal consequences for counties and municipalities unless enacted by two-thirds vote; and to exempt certain categories of laws from these requirements.

—was read the second time in full. On motion by Senator Dudley, by two-thirds vote CS for CS for SJR 25 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Gardner	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grant	Peterson	Weinstock
Childers, D.	Grizzle	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kiser	Scott	
Deratany	Langley	Souto	

Nays—1

Davis

Vote after roll call:

Yea—Jennings, Kirkpatrick

**Explanation of Vote**

The reason I voted in favor of CS for CS for SJR 25, dealing with elimination of state mandates on local government without a two-thirds vote of the legislature, is that it makes a very bad state policy somewhat better. It is my belief that we must eliminate the state mandates altogether.

*Lawrence H. Plummer, 39th District*

**CS for SB's 1441 and 1460**—A bill to be entitled An act relating to accessibility by handicapped persons; adopting certain standards; providing for applicability; amending s. 316.1956, F.S.; requiring certain commercial real estate property owners to provide parking for physically disabled persons; amending s. 553.48, F.S.; providing accessibility features required of new buildings and certain buildings being altered or having a change in use; providing for application; providing for compliance with certain standards; providing definitions; providing specific requirements with respect to accessibility; providing exemptions; providing for compliance by certain public food service establishments and establishments licensed under the Beverage Law; providing requirements with respect to public assembly occupancies; providing requirements with respect to certain residential structures; providing for automobile parking space requirements; amending s. 553.49, F.S.; providing an increase in the number of members on an accessibility advisory committee; creating s. 553.495, F.S.; providing for enforcement of accessibility standards; amending s. 255.21, F.S.; revising language with respect to special facilities for the physically handicapped; directing the Department of Community Affairs to prepare a manual; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Deratany and adopted:

**Amendment 1**—On page 19, between lines 1 and 2, insert:

Section 9. There is hereby appropriated to the Department of Community Affairs the amount of \$42,506 from the General Revenue Fund and one additional position is authorized for the purpose of implementing this act.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 31, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Deratany, by two-thirds vote CS for SB's 1441 and 1460 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Forman	Langley	Souto
Bankhead	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

On motion by Senator Deratany, by two-thirds vote HB 1722 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany—

**HB 1722**—A bill to be entitled An act relating to registered public obligations; amending s. 279.11, F.S., which provides an exemption from public records requirements for records pertaining to ownership of, or security interests in, registered public obligations; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 1259 and read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 1722 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, D.	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Jennings	Peterson	
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Souto	

Nays—2

Gordon Plummer

**CS for SB 154**—A bill to be entitled An act relating to elections; amending s. 104.24, F.S.; prohibiting any person, in connection with the election process, from fraudulently representing himself other than by the name by which he is registered or fraudulently using another's name in voting; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote CS for SB 154 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, W. D.	Girardeau	Kiser
Bankhead	Crenshaw	Gordon	Langley
Beard	Davis	Grant	Malchon
Brown	Deratany	Grizzle	Margolis
Bruner	Dudley	Jennings	McPherson
Casas	Forman	Johnson	Meek
Childers, D.	Gardner	Kirkpatrick	Myers

Peterson	Souto	Thurman	Weinstock
Plummer	Stuart	Walker	Woodson-Howard
Ros-Lehtinen	Thomas	Weinstein	

McPherson	Ros-Lehtinen	Thurman	Woodson-Howard
Meek	Souto	Walker	
Myers	Stuart	Weinstein	
Peterson	Thomas	Weinstock	

Nays—None

Nays—1

Consideration of CS for CS for SB 1388 was deferred.

Plummer

**SB 390**—A bill to be entitled An act relating to affirmative action; amending s. 110.112, F.S.; requiring the head of each executive agency to develop and implement an affirmative action plan in accordance with rules approved by the Administration Commission and adopted by the Department of Administration; requiring such agencies to establish annual goals and annually to submit the plan and goals to the department for approval; prescribing a deadline for the annual report of the department to the Governor; requiring the department to provide training to executive agency supervisors and requiring the agencies to reimburse the department; requiring each agency to submit a plan for ensuring that supervisory personnel will receive the training; requiring each state attorney and public defender to develop and implement an affirmative action plan; providing requirements of the plan; requiring the department to audit executive branch compliance with rules adopted pursuant to this act and to submit post-audit reports to the Governor, Legislature, and Auditor General; providing an effective date.

—was read the second time by title.

Senator Ros-Lehtinen moved the following amendment which was adopted:

**Amendment 1**—On page 4, line 9, strike "October 1, 1989" and insert: upon becoming a law

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 390 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

**HB 1594**—A bill to be entitled An act relating to the Florida State Archives and the Florida Folklife Archives; amending s. 257.35, F.S., which provides a limited exemption from public records requirements for certain records in the custody of the Florida State Archives; saving such exemption from repeal; specifying the application of such exemption to certain public and other records and to nonpublic manuscript or archival material; providing for future review and repeal; amending s. 267.16, F.S., which provides a limited exemption from public records requirements for archival materials acquired by the Florida Folklife Archives under terms or conditions which limit their use; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 1594 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Childers, D.	Forman	Jennings
Bankhead	Childers, W. D.	Gardner	Johnson
Beard	Crenshaw	Girardeau	Kiser
Brown	Davis	Gordon	Langley
Bruner	Deratany	Grant	Malchon
Casas	Dudley	Grizzle	Margolis

**Consideration of Resolution**

On motion by Senator Myers, the rules were waived and by unanimous consent the following resolution was introduced out of order:

By Senator Myers—

**SR 1556**—A resolution honoring Dr. Helen Popovich, departing president of Florida Atlantic University, for her dedication and tireless service to the university and to the State of Florida.

WHEREAS, Florida Atlantic University is about to celebrate its 25th Anniversary year as one of Florida's nine state universities, and

WHEREAS, for the past 6 years, Dr. Helen Popovich, the first woman to serve as president of a state university in Florida, has helped lead Florida Atlantic University through its most dramatic expansion, and

WHEREAS, enrollment has grown during President Popovich's administration to over 11,000 students, and

WHEREAS, during this same time, the university has added a thriving lower division, ten new Ph.D. programs, and eight new master's degree programs, and

WHEREAS, the university has also greatly expanded its course offerings and programs both in Broward County and in North Palm Beach during President Popovich's tenure, and

WHEREAS, the FAU Foundation endowment has more than doubled under President Popovich's leadership, and the university now has the highest ratio of eminent scholars to faculty members in the state university system, and

WHEREAS, President Popovich's efforts to recruit and retain minorities and women have been highly successful, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Florida Senate commends Dr. Helen Popovich for her commitment and dedicated service to the State of Florida, for her tireless efforts in leading Florida Atlantic University, and for her beliefs in excellence.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Dr. Helen Popovich and to Florida Atlantic University as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Myers, SR 1556 was read the second time in full and adopted.

At the request of the President, Senator Myers escorted Dr. Popovich to the rostrum where she was presented a copy of the resolution.

Consideration of CS for CS for SB 1305 was deferred.

**SB 907**—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; redefining the term "dangerous crime," for purposes of determining whether a defendant is subject to pretrial detention, to include certain sexual offenses against or in the presence of children; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote SB 907 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley

Forman	Johnson	Meek	Thomas
Gardner	Kirkpatrick	Myers	Thurman
Girardeau	Kiser	Plummer	Walker
Gordon	Langley	Ros-Lehtinen	Weinstein
Grant	Malchon	Scott	Weinstock
Grizzle	Margolis	Souto	
Jennings	McPherson	Stuart	

Nays—None

Vote after roll call:

Yea—Woodson-Howard

**CS for CS for SB 1305**—A bill to be entitled An act relating to guardianship; amending the Florida Guardianship Law by replacing the term “incompetent” with the term “incapacitated person”; reenacting s. 744.101, F.S., pertaining to the short title for ch. 744, F.S.; repealing s. 744.1011, F.S., pertaining to effective date and to the enforcement of certain substantive rights under prior law; creating s. 744.1012, F.S.; declaring legislative intent; amending s. 744.102, F.S.; revising definitions; reenacting s. 744.1025, F.S., pertaining to application of definitions contained in the Florida Probate Code; amending s. 744.103, F.S.; providing conforming language; reenacting s. 744.104, F.S., pertaining to verification of documents; amending s. 744.105, F.S., relating to costs in guardianship proceedings, to delete an obsolete provision; amending s. 744.106, F.S.; providing for notice; deleting provisions relating to application of certain virtual representation provisions; amending s. 744.107, F.S.; providing for court monitors; amending s. 744.108, F.S.; establishing factors to be used in setting guardians’ and attorneys’ fees and expenses; creating s. 744.109, F.S.; providing requirements for records of hearings; creating s. 744.1095, F.S.; providing rights of the alleged incapacitated person or the adjudicated ward at hearings under ch. 744, F.S.; amending s. 744.201, F.S.; providing for the domicile of a ward; amending s. 744.202, F.S.; providing for venue in proceedings for declaration of incapacity and in proceedings for appointment of a guardian; providing for change of venue of a guardianship; creating s. 744.2025, F.S.; providing for the change of a ward’s residence; repealing s. 744.303, F.S., pertaining to limited guardianships; creating s. 744.3031, F.S.; providing for emergency temporary guardianship; requiring certain court findings and procedures; providing for the automatic expiration, and for the possible extension, of such guardianship; providing for the issuance of appropriate writs; amending s. 744.304, F.S.; providing conforming language; creating s. 744.3045, F.S.; providing for naming a preneed guardian; providing for such guardian’s assumption of duties; providing rebuttable presumptions; repealing s. 744.305, F.S., pertaining to nonprofit corporate guardianship; amending s. 744.306, F.S.; providing for representation by a foreign guardian; amending s. 744.307, F.S.; providing for a foreign guardian who manages the property of a non-resident ward in this state to be subject to the rules concerning guardianships; amending s. 744.308, F.S.; providing procedures for the appointment of a resident guardian for a nonresident incapacitated person’s property; amending s. 744.309, F.S.; establishing who may, or may not, be appointed guardian of a resident incapacitated person; amending s. 744.312, F.S.; specifying considerations for the court in the appointment of a guardian, a preneed guardian, or a standby guardian; transferring, renumbering, and amending s. 744.313, F.S.; providing for the issuance and contents of letters of guardianship; creating s. 744.3125, F.S.; requiring a prospective guardian to complete an application for appointment as guardian; providing exemptions; creating s. 744.3135, F.S.; allowing a court to order a credit investigation or a criminal investigation of a prospective guardian; creating s. 744.3145, F.S.; providing education requirements for guardians; providing for the redesignation of part V of ch. 744, F.S.; creating s. 744.3201, F.S.; providing for a petition to determine incapacity; requiring such petition to be accompanied by a petition for appointment of a guardian; allowing it to be accompanied by a petition for appointment of an emergency temporary guardian; creating s. 744.3215, F.S.; specifying the rights that an incapacitated person retains and the rights that a guardian may exercise under specified conditions; amending s. 744.331, F.S.; providing procedures to determine incapacity, including giving notice, providing counsel, appointing an examining committee, submitting a committee report, conducting an adjudicatory hearing, entering an order determining incapacity, and paying reasonable fees; providing for assessing costs against the petitioner in specified circumstances; amending s. 744.334, F.S.; prescribing the contents of a petition for the appointment of a guardian; repealing s. 744.337, F.S., pertaining to notice of hearing; amending s. 744.341, F.S.; providing conforming language; amending s. 744.344, F.S.; providing for an order appointing a guardian; specifying limitations and requirements for the order; reenact-

ing s. 744.347, F.S., pertaining to the guardian’s oath; amending s. 744.351, F.S.; providing for the filing of bond by the guardian and related requirements; providing for requirements in lieu of a bond; reenacting s. 744.354, F.S., pertaining to the validity of certain bonds; reenacting s. 744.357, F.S., pertaining to liability of a surety for a guardian; creating s. 744.358, F.S.; providing standards of liability of a guardian; amending s. 744.361, F.S.; prescribing powers and duties of the guardian; creating s. 744.362, F.S.; providing for the initial guardianship report; specifying its contents; creating s. 744.363, F.S.; providing for the initial guardianship plan; specifying its contents; providing limitations upon its substance and its term of validity; repealing s. 744.364, F.S., pertaining to periodic examination of a ward by a physician; creating s. 744.365, F.S.; requiring a verified inventory and statements of cash assets; providing for opening safety deposit boxes; requiring records to be retained; providing for an audit fee; amending s. 744.367, F.S.; requiring the guardian to file an annual guardianship report; prescribing the contents of the report; creating s. 744.3675, F.S.; requiring the guardian to file an annual guardianship plan and written evaluation from a physician; prescribing the contents of the plan; creating s. 744.3678, F.S.; requiring the guardian to file an annual financial return, to obtain and preserve substantiating papers, and to pay an auditing fee; providing for a waiver and an alternative source of payment of that fee; creating s. 744.368, F.S.; providing for the clerk of the circuit court to review the report and audit the verified inventory or financial return; creating s. 744.369, F.S.; providing for judicial review of guardianship reports, for objections, and for a hearing; prescribing limits to the guardian’s power; amending s. 744.371, F.S.; providing for the court to grant relief based upon examination of the plan; creating s. 744.3715, F.S.; providing for interim court review upon petition; creating s. 744.372, F.S.; providing for judicial review of guardianships; creating s. 744.3725, F.S.; providing prerequisites to the guardian’s exercise of certain rights; amending s. 744.374, F.S.; providing for the guardian who controls a ward’s property to make payments to any other guardian; repealing s. 744.377, F.S., pertaining to the duties of a guardian of the property; reenacting s. 744.381, F.S., pertaining to appraisals; amending s. 744.384, F.S.; providing for the inventory of subsequently discovered or acquired property; amending s. 744.387, F.S.; providing for the settlement of claims; amending s. 744.391, F.S.; providing procedures for certain actions in which the interests of the guardian are adverse to those of the ward; amending s. 744.394, F.S.; providing for suspension of statutes of limitations in favor of the guardian; amending s. 744.397, F.S.; providing for the application of the income of the ward’s property; amending s. 744.421, F.S.; providing for petition for an order directing support of a ward’s dependents; specifying conditions in which a court may authorize certain payments; repealing s. 744.424, F.S., pertaining to attorney’s fees and expenses; repealing s. 744.427, F.S., pertaining to annual returns by a guardian of the property; transferring, renumbering, and amending s. 744.431, F.S.; providing for an order requiring a guardianship report; providing a penalty for a failure to file such report; transferring, renumbering, and amending s. 744.434, F.S.; specifying which assets of the ward the guardian must produce or show that he controls and allowing the ward to petition for the production of assets; transferring, renumbering, and amending s. 744.437, F.S.; providing for an annual appearance of the guardian before the court; amending s. 744.441, F.S.; revising the powers of a guardian upon court approval; amending s. 744.444, F.S.; prescribing the powers a guardian may exercise without court order; creating s. 744.446, F.S.; prohibiting conflicts of interest; declaring prohibited activities void; providing penalties; amending s. 744.447, F.S.; revising content and notice requirements for a petition for authorization to act; amending s. 744.451, F.S.; providing requirements for the contents of certain orders; amending s. 744.454, F.S.; forbidding a guardian to purchase property or borrow money from his ward except as specified; amending s. 744.457, F.S.; providing for conveyance of various property rights of a ward; reenacting s. 744.461, F.S., pertaining to protection of purchasers and lenders; amending s. 744.464, F.S.; providing for the restoration of a ward to capacity; providing for determining venue, filing a suggestion of capacity, and entering an order of restoration; reenacting s. 744.467, F.S., pertaining to resignation of a guardian; amending s. 744.471, F.S.; requiring the appointment of a successor guardian in certain circumstances; amending s. 744.474, F.S.; prescribing reasons for the removal of a guardian; amending s. 744.477, F.S.; specifying who may institute proceedings for removal of a guardian; amending s. 744.511, F.S.; requiring a removed guardian to file an accounting as specified; amending s. 744.514, F.S.; providing for the surrender of the ward’s assets to the successor guardian or ward upon removal of the guardian; amending s. 744.517, F.S.; providing for proceedings for holding a removed guardian in contempt in certain circumstances; amending s. 744.521, F.S.; providing for the termination of a guardianship; amending s. 744.524, F.S.; providing for termination of

guardianship upon change of the ward's domicile; amending s. 744.527, F.S.; providing for the filing of a guardian's final returns and hearing objections thereto; creating s. 744.528, F.S.; providing for the discharge of a guardian authorized to manage property, who is subsequently appointed personal representative; providing for a hearing on objections filed by beneficiaries; amending s. 744.531, F.S.; prescribing prerequisites to entry of an order of discharge; revising the statute of limitations on actions against a guardian; amending s. 744.534, F.S., pertaining to disposition of unclaimed funds held by a guardian; deleting the term "guardian of the property"; amending s. 744.604, F.S.; conforming definition of term used in the Veterans' Guardianship Law to terminology used in this act; reenacting and amending the Public Guardianship Act, consisting of ss. 744.701, 744.702, 744.703, 744.704, 744.705, 744.706, 744.707, 744.708, 744.709, F.S.; replacing the terms "competency," "incompetency," and "incompetent" with "capacity," "incapacity," and "incapacitated"; revising a cross-reference; deleting obsolete provisions; repealing s. 394.467(3)(c), F.S., pertaining to appointing a guardian advocate for a hearing on involuntary placement; repealing ss. 747.06, 747.07, 747.08, 747.09, 747.10, 747.11, 747.12, 747.13, 747.14, 747.15, 747.16, 747.17, 747.18, 747.19, F.S., pertaining to curators; amending ss. 61.052, 322.2505, 393.12, 790.06, 947.16, F.S., relating to capacity of persons with developmental disabilities, dissolution of marriage, drivers' licenses of persons adjudicated incompetent, and licensing of persons to carry concealed weapons or firearms, respectively; conforming said sections to changes in terminology made by this act; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

**Amendment 1**—On page 90, line 19, strike s. 744.309(5) and insert: s. 744.309(4)

**Amendment 2**—On page 21, after line 31, insert:

Section 17. Section 744.301, Florida Statutes, is amended to read:

744.301 Natural guardians.—

(1) The mother and father jointly are natural guardians of their own children and of their adopted children, during minority. If one parent dies, the natural guardianship shall pass to the surviving parent, and the right shall continue even though the surviving parent remarries. If the marriage between the parents is dissolved, the natural guardianship shall belong to the parent to whom the custody of the child is awarded. If the parents are given joint custody, then both shall continue as natural guardians. If the marriage is dissolved and neither the father nor the mother is given custody of the child, neither shall act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child.

(2) The natural guardian or guardians are authorized, on behalf of any of their minor children, to settle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of any of said minor children and to collect, receive, manage, and dispose of the proceeds of any such settlement and of any other real or personal property distributed from an estate or trust or proceeds from a life insurance policy to, or otherwise accruing to the benefit of, the child during minority, when the amount involved in any instance does not exceed \$5,000, without appointment, authority, or bond.

(3) All instruments executed by a natural guardian under the powers provided for in subsection (2) shall be binding on the ward.

(4)(a) *In any case where a minor has a claim for personal injury, property damage, or wrongful death in which the gross settlement for the claim of the minor equals or exceeds \$10,000, the court may, prior to the approval of the settlement of the minor's claim, appoint a guardian ad litem to represent the minor's interests.*

(b) *Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.*

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 2, line 7, after the semicolon (;) insert: amending s. 744.301, F.S.; providing for the appointment of a guardian ad litem to represent minors with respect to certain settlements; providing for the award of reasonable fees and costs to the guardian under certain circumstances;

On motion by Senator Weinstein, by two-thirds vote CS for CS for SB 1305 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Scott	
Dudley	Kiser	Souto	

Nays—None

**CS for SB 1244**—A bill to be entitled An act relating to local occupational licenses; creating s. 205.045, F.S.; authorizing counties and municipalities to impose conditions upon issuance of such licenses; providing that such conditions may include a requirement that certain applicants provide certain information regarding disposal of solid, special, and bio-hazardous wastes; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 1244 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	McPherson	Weinstock
Childers, D.	Grant	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

**CS for CS for SB 1388**—A bill to be entitled An act relating to post-secondary education; establishing a branch campus of Florida Atlantic University in Broward County to be known as the Southeast Campus; requiring the Board of Regents to take necessary actions for the establishment of the Southeast Campus; requiring the City of Davie and the Board of County Commissioners of Broward County to cooperate in the establishment of the Southeast Campus; authorizing Florida Atlantic University to contract with Broward Community College and Florida International University to provide instruction at the Southeast Campus; requiring the Postsecondary Education Planning Commission and the Board of Regents to evaluate undergraduate programs in Broward County; requiring the Board of Regents to make recommendations concerning the need for a 4-year public university in Broward County; requiring a timetable for legislative action on the plan; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 7, after "Davie" insert: , Broward Community College,

**Amendment 2**—On page 3, strike all of lines 11-14 and renumber subsequent sections.

**Senator W. D. Childers presiding**

**Amendment 3**—In title, on page 1, line 8, after "Davie" insert: , Broward Community College

**Amendment 4**—On page 1, strike line 22 and insert: the plan; providing

On motion by Senator Scott, by two-thirds vote CS for CS for SB 1388 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Scott	

Nays—None

**CS for SB 1347**—A bill to be entitled An act relating to growth management; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax

Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; amending s. 336.025, F.S.; authorizing an increase in the local option gas tax; requiring the Department of Transportation to adopt rules establishing level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Deratany:

**Amendment 1**—On page 49, lines 18-31 and on page 50, lines 1-23, strike all of said lines and renumber subsequent sections.

Senator Meek moved the following substitute amendment:

**Amendment 2**—On page 5, strike everything after the enacting clause and insert:

Section 1. Section 163.3179, Florida Statutes, is created to read:

163.3179 Urban service areas.—

(1) In order to encourage more compact urban growth patterns, discourage urban sprawl, ensure an efficient transition of undeveloped land to developed land, facilitate the efficient provision of infrastructure and services, and protect natural resources and environmentally sensitive areas, local governments shall establish urban service areas in local government comprehensive plans and promote compact and mixed-use urban development within those areas and discourage urban development incompatible with the intent of this section. The state land planning agency shall establish, by rule, guidelines and principles for the establishment and implementation of urban service areas in local comprehensive plans. The rules shall include minimum criteria for:

- (a) The establishment and implementation of urban service areas in local government comprehensive plans.
- (b) Determining the appropriateness of urban development outside urban service areas.
- (c) The provision of infrastructure and services outside urban service areas.
- (d) The application of urban service area requirements in a differential manner between local governments of varying size and urban character, including exemptions from the requirements, where appropriate.

(2) These rules shall be consistent with the state comprehensive plan, chapter 163, Florida Statutes, chapter 9J-5, Florida Administrative Code, and the provisions of this section. Such rules shall not be subject to rule challenges under section 120.54(4), or draw-out proceedings under section 120.54(17). Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 45 days prior to the next regular session of the Legislature. In its review, the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature or, if no action is taken, the agency rule shall become effective December 1, 1990. Local governments shall not be required to comply with this urban service area rule until the due date for submittal of their first evaluation and appraisal report required pursuant to section 163.3191.

(3) It is the intent of the Legislature that state and regional agencies shall adopt policies and programs which support and encourage the establishment and implementation of urban service areas and that government at all levels will provide regulatory incentives for development inside urban service areas. Prior to or simultaneously with submission of the urban service area rule to the Legislature, the state land planning agency shall submit recommendations concerning the role of state and regional agencies in the establishment and implementation of urban service areas and regulatory incentives for development inside urban service areas.



(4) Nothing in this section is intended to modify, diminish or repeal any authority of the department existing prior to the effective date of this act.

Section 2. Subsection (3) of section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(3) It is the intent of this act that its adoption is necessary so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; *direct development to those areas which have in place, or have agreements to provide, the land and water resources and the service capacity to accommodate growth in an environmentally acceptable manner as set forth in the state comprehensive plan; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions.* Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; *provide for an efficient transition of rural land to urban land; enhance the liveability, character, and efficiency of urban areas through the encouragement of a mix of living, working, shopping, and recreational activities; prevent the overcrowding of land and avoid undue concentration of population;* facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

Section 3. Subsection (5) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Definitions.—As used in this act:

(5) "Development" has the meaning given it in s. 380.04, *except that expansion of a road or of other infrastructure facilities within an existing right-of-way shall be considered development for the purposes of this part. The term "development" as used in this part shall not include the provision of roads, utilities, or other infrastructure facilities servicing development which has been authorized by a development order.*

Section 4. Subsection (2) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(2) Each local government shall prepare a comprehensive plan of the type and in the manner set out in this act or shall prepare amendments to its existing comprehensive plan to conform it to the requirements of this part in the manner set out in this part. Each local government, in accordance with the procedures in s. 163.3184, shall submit its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended to the state land planning agency by the date specified in the rule adopted by the state land planning agency pursuant to this subsection. The state land planning agency shall, prior to October 1, 1987, adopt a schedule of local governments required to submit complete proposed comprehensive plans or comprehensive plans as proposed to be amended. Such schedule shall specify the exact date of submission for each local government, shall establish equal, staggered submission dates, and shall be consistent with the following time periods:

(a) Beginning on July 1, 1988, and on or before July 1, 1990, each county that is required to include a coastal management element in its comprehensive plan and each municipality in such a county; and

(b) Beginning on July 1, 1989, and on or before July 1, 1991, all other counties or municipalities.

Nothing herein shall preclude the state land planning agency from permitting by rule a county together with each municipality in the county from submitting a proposed comprehensive plan earlier than the dates established in paragraphs (a) and (b). Any county or municipality that fails to meet the schedule set for submission of its proposed comprehensive plan by more than 30 90 days shall be subject to the sanctions described in s. 163.3184(11)(g)(e) imposed by the Administration Commission. *Within 60 days after receipt of a notice of nonsubmission from the state land planning agency, the Administration Commission shall enter a final order concerning sanctions against the local government.* Notwithstanding the time periods established in this subsection, the state

land planning agency may establish later deadlines for the submission of proposed comprehensive plans or comprehensive plans as proposed to be amended for a county or municipality which has all or a part of a designated area of critical state concern within its boundaries; however, such deadlines shall not be extended to a date later than July 1, 1991, or the time of re-designation, whichever is earlier.

Section 5. Subsection (4) is added to section 163.3171, Florida Statutes, to read:

163.3171 Areas of authority under this act.—

(4) *By written agreement with the governing body, the state land planning agency may waive or modify the content and format requirements for comprehensive plans or plan amendments and land development regulations that must be adopted under this part for any municipality the agency determines will have a population of fewer than 5,000 permanent and temporary residents in the year established for transmittal of the municipality's proposed comprehensive plan or plan amendments pursuant to s. 163.3167(2). The circumstances the agency considers in determining whether waiver or modification is appropriate for a municipality may include, but shall not be limited to, recent growth rates in population or land area; the extent to which it has vacant and developable land; its prospects of or need for redevelopment; the extent to which public services and facilities for its residents are supplied by other providers; and its past performance in responsible plan implementation and the adoption and enforcement of adequate land development regulations. An agreement between the state land planning agency and a municipality may not waive completely the format or content requirements for the future land use plan element, the capital improvements element, or the intergovernmental coordination element of the municipality's comprehensive plan. In no event shall an agreement waive or modify the concurrency requirements for infrastructure to be available when needed by development pursuant to s. 163.3177(10)(h) and s. 163.3202(2)(g). The governing body of the municipality must approve execution of an agreement under this subsection by formal action at a public hearing, with notice as defined in s. 163.3164(17), with the notice being placed in the newspaper but not with the legal notices and classified ads. The state land planning agency shall adopt rules providing for the periodic review of agreements approved under this subsection to determine continuing eligibility for waiver or modification of requirements and rules providing time periods and procedures for the submission by the municipality of a plan or plan amendments and land development regulations, as required under this part. This subsection does not affect the procedure provided in this part for adoption or review of such comprehensive plan or plan amendment or land development regulation. As part of the evaluation and review process pursuant to s. 163.3191, the department shall review the agreement executed pursuant to this section and determine whether the agreement should be modified or voided using the criteria set forth above. The decision of the state land planning agency to execute, modify, or void an agreement pursuant to this section shall be final agency action and shall be subject to challenge by an affected person, as defined in s. 163.3184(1)(a).*

Section 6. Subsection (1) and paragraph (a) of subsection (4) of section 163.3174, Florida Statutes, are amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. The governing body may designate itself as the local planning agency pursuant to this subsection. The governing body shall notify the state land planning agency of the establishment of its local planning agency. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after due public notice and shall make recommendations to the governing body regarding the adoption of such plan or element, or portion thereof or amendment thereto. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to promulgate and enforce

a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption of such plan or element, or portion thereof or amendment thereto. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with due public notice, on the proposed plan or element, or portion thereof or amendment thereto. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or any element thereof or amendment thereto, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

Section 7. Paragraph (b) of subsection (3), paragraph (a) of subsection (4), and paragraphs (a) and (d) of subsection (7) of section 163.3177, Florida Statutes, are amended, paragraph (c) is added to subsection (3) of said section, paragraph (j) is added to subsection (6) of said section, and present paragraph (k) of subsection (7) of said section is redesignated as paragraph (i), and a new paragraph (k) is added to said subsection, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)

(b) The capital improvements element shall be reviewed ~~annually on an annual basis~~ and modified as necessary in accordance with s. 163.3187, except that corrections, ~~updates~~, and modifications concerning costs, revenue sources, and acceptance of facilities pursuant to dedications which are consistent with the plan, or a cumulative delay of no more than 6 months in the date of construction of any facility enumerated in the capital improvements element may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. All public facilities shall be consistent with the capital improvements element.

(c) In issuing development orders and permits, a local government may rely on the Department of Transportation's 5-year transportation plan, however, those projects that are relied upon for the issuance of development orders and permits shall be included in the capital improvements element.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy or policies statement indicating the relationship of the proposed development of the area, including any need for mitigation of extrajurisdictional impacts, to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(j) As of July 1, 1991, or by the due date of their next evaluation and appraisal report required pursuant to s. 163.3191, whichever is later, any local government which is required pursuant to paragraph (i) to prepare a plan element pursuant to paragraphs (7)(a), (b), (c), and (d), or any local government which chooses to do so, shall submit a plan amendment to address such elements within a transportation system element which is integrated with and includes the traffic circulation element required within paragraph (b) and addresses the needs of the transportation disadvantaged.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass-transit element showing proposed methods for the moving of people, rights-of-way, terminals, related facilities, and fiscal considerations for the accomplishment of the element. *The mass transit element must also identify existing and proposed transportation corridors for mass transit as determined under s. 337.273 for which the local government has entered into a corridor protection agreement with the Department of Transportation.*

(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of ~~offstreet~~ parking facilities, including onstreet parking, for motor vehicles and the fiscal considerations for the accomplishment of the element.

(k) As part of the future land use element of paragraph (6)(a) or as a separate element, a plan element for infill development and redevelopment. *This element should identify potential infill development and redevelopment sites inside designated urban service areas and may provide for a simplified and streamlined permit and development order approval process, including the requirements of chapter 380, for infill and redevelopment projects. Within said areas, a local government may utilize special regulatory and economic incentives to promote infill development and redevelopment.*

Section 8. Paragraph (a) of subsection (3), subsections (4), (7), (8), and (11), paragraph (b) of subsection (9), and paragraph (a) of subsection (10) of section 163.3184, Florida Statutes, are amended, present subsections (12), (13), (14), and (15) are renumbered as subsections (13), (14), (15), and (16), respectively, and a new subsection (12) is added to said section, to read:

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall, immediately following a public hearing pursuant to subsection (16)(15), transmit 10 copies of the complete proposed comprehensive plan or plan amendment to the state land planning agency for written comment. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for such plan, element, or plan amendment.

(4) INTERGOVERNMENTAL REVIEW.—The state land planning agency, upon receipt of a local government's complete proposed comprehensive plan or plan amendment shall transmit, within 5 working days after such receipt, a copy of the plan or plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Regulation, the Department of Natural Resources, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. *If the complete proposed comprehensive plan or plan amendment of a local government is submitted after its scheduled submittal date, the state land planning agency shall transmit the copy of the plan or plan amendment to various government agencies, as appropriate, within the first 5 working days of the month following the month in which the state land planning agency receives the plan or plan amendment.* The governmental agencies shall provide comments to the state land planning agency and to the local government within 45 days after receipt of the plan or plan amendments. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 45 days after receipt of the plan or plan amendments and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the plan.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply thereto shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive

plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 60 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 120 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (16)(15). The local government shall transmit 5 copies of the adopted comprehensive plan or, in the case of plan amendments, 5 copies of the element amended and the text of the amendment to the state land planning agency within 10 5 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency or to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of such plan, element, or plan amendment. Any local government that fails to adopt or adopt with changes the proposed comprehensive plan within the required 120 days after receipt of written comments from the state land planning agency shall be subject to the sanctions described in subsection (11) and imposed by the Administration Commission.

#### (8) NOTICE OF INTENT.—

(a) The state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 60 45 days for review and to determine if the plan or plan amendment is in compliance with this act. *The regional planning agency, upon receipt of the adopted plan or plan amendment, shall have 45 days to review the plan or plan amendment, to determine whether it is consistent with the appropriate comprehensive regional policy plan, and to notify the state land planning agency of its determination. The regional planning agency's determination shall be based upon its written comments pursuant to subsections (4) and (5) and any changes to the plan or plan amendment as adopted.* The state land planning agency may not find a local plan to be not in compliance unless the state land planning agency has participated in the public hearing pursuant to subsection (7) if requested to do so by the applicable local government. The agency's determination of compliance shall be only based upon one or more both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); and

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the 60-day 45-day period provided for in this subsection, the state land planning agency shall issue, ~~through a senior administrator other than the secretary,~~ as specified in the agency's procedural rules, a notice of intent to find that the local action is in compliance or not in compliance. A notice of intent shall be issued by publication of notice in the manner required by paragraph (16)(15)(c) and by mailing a copy to the local government and to persons who request notice. Notwithstanding the content requirements of paragraph (16)(15)(c), the content of the notice shall be sufficient to inform the public of the action taken.

#### (9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

(b) The hearing shall be conducted by a hearing officer of the Division of Administrative Hearings of the Department of Administration, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow 10 days for the filing of exceptions to the recommended order and shall issue a final order within 30 days after receipt of the recommended order if the state land planning agency determines that the plan is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit, within 30 days after receipt, the recommended order to the Administration Commission for final agency action.

#### (10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Administration, which shall conduct a proceeding under s. 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

#### (11) ADMINISTRATION COMMISSION.—

(a) *If the recommended order is to find the comprehensive plan or plan amendment in compliance, the Administration Commission shall issue a final order pursuant to paragraph (g).*

(b) *If the recommended order is to find the plan or plan amendment not in compliance, the recommended order shall specify the remedial actions which would bring the plan or plan amendment into compliance. The recommended order shall also recommend the type and amount of funds and grants that should be withheld from local government pursuant to paragraphs (g) and (h) and the extent to which other sanctions in paragraph (h) shall be applied. The recommended order shall also recommend the extent to which the issuance of local development orders and permits should be prohibited. Recommendations regarding sanctions shall reasonably relate to the provisions of the plan or plan amendment found inconsistent with this part and shall take into account the nature and extent of the inconsistency. The recommendations concerning the nature and extent of the sanctions are advisory and shall not limit the Administration Commission's discretion.*

(c) *The local government shall, within 45 days after the receipt of the recommended order, complete the remedial actions and transmit five copies of any adopted plan amendments and other specified documents to the state land planning agency.*

(d) *A local government may adopt a plan amendment pursuant to a recommended order in accordance with the requirements of paragraph (16)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (16)(b)2. and paragraph (16)(c).*

(e) *The state land planning agency shall, within 45 days after receipt of the adopted plan amendments and other specified documents submitted pursuant to paragraph (c), review the plan amendments and other documents, determine if the local government has completed the remedial actions specified in the recommended order, and notify the Administration Commission of its determination.*

(f) *If the local government fails to transmit the copies of any adopted plan amendments to the state land planning agency within 45 days after receipt of the recommended order, the state land planning agency shall notify the Administration Commission.*

~~(g)(a)~~ *The Administration Commission shall issue a final order to find the comprehensive plan or plan amendment in compliance or not in compliance. If the Administration Commission, upon a hearing pursuant to subsection (9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance with this part. The commission may prohibit the issuance of development orders and permits by the local government which are reasonably related to the provisions of the plan or plan amendment found inconsistent with this part and may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:*

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

3. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

(h)(b) If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the Department of Natural Resources considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

(i) If the Administration Commission finds that a local government has failed to submit a proposed plan within 30 days of the due date established pursuant to s. 163.3167(2) or an adopted plan within 30 days of the due date pursuant to s. 163.3184(7), the commission shall by final order impose the sanctions described in paragraphs (g) and (h) above except to the extent that imposition of such sanctions would have a direct and adverse impact on another local government.

#### (12) COMPLIANCE AGREEMENTS.—

(a) At any time following the issuance of a notice of intent to find a comprehensive plan not in compliance with this part, the state land planning agency and the local government may enter into a compliance agreement. The compliance agreement must list each portion of the plan which is not in compliance, must specify remedial actions which the local government must complete within a specified time period in order to bring the plan into compliance, including transmittal and adoption of all necessary plan amendments, and may establish conditions under which the local government may issue development orders and permits until the state land planning agency determines that the comprehensive plan is in compliance with this part. All remedial actions shall be completed not later than 1 year after the issuance of a notice of intent to find the plan not in compliance.

(b) A compliance agreement must be approved by the local governing body at a public hearing. The public hearing to consider a compliance agreement shall be advertised at least 14 days before the public hearing in a newspaper of general circulation in the area. The advertisement shall substantially comply with the quarter-page advertisement requirements of s. 163.3184(15). The publication of the advertisement shall constitute the point of entry for affected persons who challenge provisions of the proposed compliance agreement.

(c) Upon filing by the state land planning agency of a fully executed compliance agreement with the Division of Administrative Hearings of the Department of Administration, any administrative proceeding under s. 120.57 regarding the comprehensive plan shall be stayed.

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (16)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (16)(b)2., and paragraph (16)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit five copies of the element amended, and the text of the amendment, to the state land planning agency and one copy to each governmental agency that has filed a written request for a copy of the plan amendment.

(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a notice of intent upon the complete comprehensive plan submitted pursuant to s. 163.3167 in accordance with subsection (8). The agency's determination of compliance shall be based upon the provisions of the compliance agreement and actions which the local government agreed to take.

(f) If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings of the Department of Administration, and the pending s. 120.57 proceeding pursuant to subsection (10) shall be dismissed by the hearing officer. The dismissal shall constitute final agency action. Subsection (9) is applicable following the issuance of the notice of intent.

(g) If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the comprehensive plan not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings of the Department of Administration, which shall consolidate the matter with the pending proceeding pursuant to subsection (10) and conduct a single proceeding under s. 120.57.

(h) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings of the Department of Administration, which shall hold the pending s. 120.57 proceeding.

(i) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendment to the plan may not be inconsistent with the compliance agreement, and a determination by the state land planning agency of inconsistency with the compliance agreement shall be sufficient reason to find the plan amendment not in compliance under this section.

Section 9. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (d) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments of the future land use map directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan under the following conditions:

1. The proposed amendment is a residential land use of 5 acres or less and a density of 5 units per acre or less or involves other land use categories, singularly or in combination with residential use, of 3 acres or less and:

a. The cumulative effect of the above amendments ~~condition~~ shall not exceed 30 acres annually;

b. The proposed amendment does not involve the same property more than once a year; and

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months; and

d. Public facilities and services are available to support the proposed uses as required by s. 163.3177(3)(a).

2. By March 1 of each year, the local government shall provide a ~~semiannual~~ report to the state land planning agency, summarizing for the previous ~~by July 1 and by December 31 of each~~ calendar year ~~summarizing~~ the type and frequency of use of the exemptions and the action taken on each by the local government; and

3. A local government is not required to comply with the quarter-page publication requirements of s. 163.3184(16)(16)(c), for plan amendments pursuant to this paragraph if the local government substantially complies with the content provisions in s. 163.3184(16)(16)(c) in a legal advertisement in a newspaper of general circulation within the local government's jurisdiction.

Plan amendments adopted pursuant to paragraph (1)(c) shall not be subject to a review pursuant to s. 163.3184(3) and shall not be subject to a determination of compliance by the state land planning agency ~~until the local government has adopted a comprehensive plan pursuant to s. 163.3184. Within 5 working days after adoption of the plan amendment, the local government shall transmit to the state land planning agency a copy of the ordinance and one copy of the plan amendment. The state land planning agency shall review the annual reports for irregularities and misuse of these procedures. The state land planning agency shall prepare a report to the Legislature by January 1, 1988, setting forth its findings relating to the type and frequency of use of these exemptions and its recommendations.~~

(d) *Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(12) may be approved without regard to the provisions of this subsection on the frequency of adoption of amendments to the local comprehensive plan.*

Section 10. Subsection (1) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body and to the state land planning agency at least once every 5 years after the adoption of the comprehensive plan, *except that the comprehensive plan adopted pursuant to s. 163.3167(2) shall be evaluated within 3 years after it is adopted.* Reports may be transmitted at lesser intervals as may be required or upon request of the governing body. It is the intent of this act that adopted comprehensive plans be periodically updated through the evaluation and appraisal report.

Section 11. Subsections (1) and (2) of section 163.3202, Florida Statutes, are amended to read:

163.3202 Land development regulations.—

(1) Within 1 year after issuance of the notice of intent by the state land planning agency pursuant to s. 163.3184(8) ~~submission of its revised comprehensive plan for review pursuant to s. 163.3167(2)~~, each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

- (a) Regulate the subdivision of land.;
- (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.;
- (c) Provide for protection of potable water wellfields.;
- (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.;
- (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.;
- (f) Regulate signage.;
- (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after issuance of the notice of intent by the state land planning agency pursuant to s. 163.3184(8) ~~its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2)~~, a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.
- (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking, *including onstreet parking.*
- (i) *Ensure the protection of existing and proposed transportation rights-of-way and corridors designated in the comprehensive plan.*

Section 12. Section 163.3203, Florida Statutes, is created to read:

163.3203 Impact fees.—

- (1) This section may be cited as the "Florida Impact Fee Law."
- (2) Impact fees shall be assessed no later than at the time of the issuance of a building permit. Payment of the impact fee shall occur no later than the issuance of a certificate of occupancy or other final action authorizing the intended use of a structure.

(3) A county may not impose a new impact fee for transportation purposes or raise the level of an existing impact fee for transportation purposes until it has enacted an ordinance levying 6 cents of the gas taxes authorized on October 1, 1989, pursuant to section 336.025, Florida Statutes. The county may increase the transportation impact fee by 20 percent for each additional 1 cent of gas tax levied beyond the 6th cent. After all local option gas taxes are levied, there shall be no additional restriction other than those imposed by case law.

(4) Any governmental entity imposing a new impact fee or increasing the limit of an existing impact fee on residential property subsequent to October 1, 1989, shall make a legislative finding as to the effect of such impact fee on affordable housing within its jurisdictional limits. Such legislative finding shall be in the ordinance imposing such impact fee or in any documentation establishing the methodology for the calculation of the impact fees. Factors to be considered in making such legislative finding shall include, but not be limited to, the cumulative effect of all impact fees imposed on residential property by all governmental units within the jurisdiction, the need and availability of affordable housing within the jurisdiction or within areas of customary commuting distance, and the availability within the jurisdictional limits of the governmental entity of established programs to provide assistance to persons and families in obtaining affordable housing.

(5) After adoption of a capital improvement element pursuant to section 163.3177(3), Florida Statutes, a governmental entity may not impose a new impact fee or raise the level of an existing impact fee without having identified the type of facility or improvement for which the fee is being collected in the capital improvement element, or, for a facility or improvement not required to be in the capital improvement element, in a separate document adopted by the governmental entity. The ordinance imposing the impact fee shall establish a methodology for determining the impacts of new or expanded development on the facility or improvement to be funded at least in part by impact fees. The impact fees in the aggregate may not exceed such impact and shall be reduced by the future revenue credit provided in paragraph (6)(a).

(6) A governmental entity collecting an impact fee shall adopt a method for providing credits against the amount of the impact fee that can be imposed for:

(a) Future revenues generated by new or expanded development which are allocated by the governmental entity for the same type capital facility or improvement for which the impact fee has been collected. The timeframe for consideration of future revenues shall be consistent with the planning timeframe of the capital improvement element, or, for a facility or improvement not required to be in the capital improvements element, a timeframe adopted by the local government in a separate document;

(b) Dedications of property and construction of a specific facility or improvement identified in the capital improvement element, or the separate document adopted by the governmental entity, which has a capacity in excess of that required to accommodate the development or burden imposed by the existence of the development; and

(c) Other mandatory monetary contributions exacted for the same type of capital improvement for which the impact fee has been collected.

(7) Governmental entities may recoup the proportionate share of the public facilities capital improvement costs of excess capacity in existing capital facilities where such excess capacity has been provided in anticipation of the needs of new development.

(8) The assessment of impact fees against residential property shall be applied equally to the construction or placement of living quarters designed or intended for permanent residence, including, but not limited to, mobile or modular homes.

(9) A county or municipality may, by ordinance, provide for the waiver of any or all impact fees for the purposes of promoting affordable housing, urban development or redevelopment, or furthering any goal identified within the state comprehensive plan.

(10) This section does not alter, diminish, or increase the impact fee criteria as established by case law of the state other than to provide for the specific conditions and limitations provided in this section.

(11) This section does not limit a governmental entity from requiring construction of or contributions of internal onsite facilities or facilities built to serve the development to alleviate the impact caused by development if required by local, state, or federal regulations.



Section 13. Section 163.3204, Florida Statutes, is amended to read:

163.3204 Cooperation of by state, and regional, and local agencies.—

(1) The Department of Community Affairs and any ad hoc working groups appointed by the department and all state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, and of local land development regulations.

(2) *The Department of Community Affairs may contract with any regional planning agency to assume the duties and responsibilities of the department under this part pertaining to the review of local plans for consistency with comprehensive regional policy plans developed pursuant to s. 186.507 or pertaining to the review of intergovernmental coordination elements of local plans for compliance with Chapter 9J-5, Florida Administrative Code. Except that no regional planning council shall be called upon to review local plans or plan elements which it was responsible for developing unless the local government has substantially amended the local plan or plan elements. Prior to the issuance of the notice of intent by the department, a local government may file with the department an objection concerning any determination made on its plan by a regional planning agency pursuant to this subsection. The department shall adopt rules establishing procedures for the local government to file an objection and for the department to make a final determination regarding the objection.*

Section 14. Section 163.3216, Florida Statutes, is created to read:

163.3216 Sector planning process.—

(1) **PURPOSE.**—In order to assist in the implementation of its local comprehensive plan, a local government may adopt a sector plan as an amendment to its comprehensive plan. A sector plan will allow a local government, in cooperation with the public, to address the impact of development on the natural and historical resources and environment of the state and to ensure the provision of the public facilities and services needed to serve that development.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Sector plan" means a plan, or any amendment thereto, that is a more detailed plan for a defined planning area than the adopted local government comprehensive plan, is consistent with such comprehensive plan, and otherwise meets the requirements of this section.

(b) "Sector planning area" means the area encompassed by a sector plan. The land parcels comprising the sector planning area must be contiguous and must exceed 5 gross acres.

(3) **PREPARATION, ADOPTION, AND AMENDMENT OF SECTOR PLANS.**—

(a)1. This section applies only in those jurisdictions in which the local government has authorized, by resolution or local ordinance, sector planning pursuant to the provisions of this section. A local government, or a person that represents property ownership interest in at least 51 percent of the total lands within the sector planning area, may sponsor the preparation and adoption of a sector plan.

2. A local government may proceed with the preparation of a sector plan only after the local government comprehensive plan has been found to be in compliance by the state land planning agency and the local government has adopted land development regulations to implement the comprehensive plan.

3. It shall be the primary responsibility of the local government to prepare a sector plan for an area under its jurisdiction; however, if the sponsor of the sector plan is other than the local government, the local government may assign by written agreement some or all of its sector plan preparation responsibilities to the sponsor.

(b)1. A sector plan shall be adopted as an amendment to the local government comprehensive plan as prescribed by the provisions of s. 163.3184(3), (4), (5), (6), (7), and (16), in addition to any other requirements for the preparation or adoption of a sector plan which are provided in this section.

2. A local governing body may consider the adoption of a sector plan without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

(c) Amendments to an adopted sector plan must comply with the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan; however, a sector plan amendment incorporating a development of regional impact may be considered for adoption by the local government without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

(4) **PLANNING FEES.**—

(a) The local government may impose a planning fee upon persons that seek governmental approvals for development within the sector planning area. Such planning fees, in the aggregate, must defray but not exceed the cost of the preparation, adoption, and administration of the sector plan. The fee charged each landowner must be a prorated amount based on ownership of property in the sector or another reasonable basis. It is the intent of the Legislature in providing for such fees to charge persons who benefit from sector plans for the costs of developing those sector plans.

(b) The appropriate regional planning agency may calculate and collect a fee in an amount that does not exceed the cost of performing the review of a sector plan.

(5) **CONTENTS OF A SECTOR PLAN.**—A sector plan must contain:

(a) A statement certifying and demonstrating that the sector plan is consistent with the local government comprehensive plan and a description of how the sector plan will further the goals and policies of the local comprehensive plan.

(b) A master development plan for the sector planning area.

(c) A map of existing and proposed land uses by type and density, including development phasing, if applicable.

(d) Provisions to ensure that all public facilities, as defined by s. 163.3164(23), and those related services which the local government deems necessary to operate the facilities necessitated by the development allowable under the sector plan are available concurrent with the impacts of development. In lieu of, or in addition to, such provisions, the sector plan may incorporate an executed development agreement, pursuant to the Florida Local Government Development Agreement Act, that has been entered into between the local government and the sponsor of the sector plan to provide the necessary facilities and services.

(e) An assessment of the impacts of development allowable under the sector plan that would affect lands outside the boundaries of the sector plan, including lands in other jurisdictions, and the conditions and provisions to mitigate those impacts.

(f) An identification of the natural, environmental, or historical resources of state or regional significance potentially adversely affected by development under the sector plan and the provisions and conditions to protect those natural resources or mitigate any adverse effects.

(g) Provisions for the equitable distribution of development rights under the sector plan.

(h) Identification of the monitoring procedures and the local official responsible for assuring compliance with the conditions of the sector plan.

(i) A description of all land development regulations that will apply to development under the sector plan.

(j) A date by which the local government agrees that the sector plan and the sector planning area shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the adoption of the sector plan have occurred, that the sector plan was based on substantially inaccurate information, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

(k) Identification of any other conditions or requirements which the local government determines to be necessary or desirable for the implementation of the local government comprehensive plan.

(6) **REGIONAL REVIEW.**—The review of the sector plan by the regional planning agency shall be limited to the information required in



a sector plan under paragraphs (5)(e) and (f); however, nothing shall preclude the regional planning agency from conducting a review of other information in the sector plan for the local government through contractual agreement.

(7) **RULE AUTHORITY.**—The state land planning agency shall adopt rules, including standards and criteria, to ensure uniform construction, application, preparation, review, and adoption of sector plans, and annual reports on sector plans, by local government.

(8) **APPEAL STANDING.**—An affected party that has standing to challenge an amendment to a local government comprehensive plan amendment has standing to challenge a sector plan or amendment to a sector plan, but such challenge is limited to the issue of the consistency of the sector plan or amendment to the sector plan with the local government comprehensive plan.

(9) **AUTHORITY FOR SECTOR PLANNING DEMONSTRATION PROJECTS.**—

(1) The state land planning agency is hereby authorized to carry out sector planning demonstration projects with up to three local governments that have been authorized, by resolution or local ordinance, to do sector planning pursuant to the provisions of this section.

(2) As part of its authority to conduct sector planning demonstration projects under this section, the state land planning agency shall:

(a) Have the authority to waive any or all provisions of s. 380.06 as it would apply to a development undertaken as part of a sector planning demonstration project.

(b) Prepare a final report to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 1993, on the effect of the sector planning demonstration projects conducted under this section, including, but not limited to, an assessment of the manner in which extrajurisdictional impacts of development were considered and successfully resolved.

Section 15. The Legislature hereby approves and ratifies all stipulated settlement agreements entered into by the state land planning agency prior to the effective date of this act which specify remedial actions to be completed by the local government to bring the adopted plan or plan amendment into compliance. The provisions of this act concerning stipulated settlement agreements shall apply to all such prior stipulated settlement agreements and shall be effective on the effective date of this act.

Section 16. The change in the time for adopting local land development regulations contained in this act, amending subsections (1) and (2) of section 163.3202, Florida Statutes, is hereby declared to be retroactive and shall apply to all local governments which have adopted comprehensive plans or plan amendments pursuant to section 163.3167, Florida Statutes, on or before the effective date of this act. Therefore, action against or request of a local government may not be initiated under subsection (4) of section 163.3202, Florida Statutes, or section 163.3213, Florida Statutes, until 1 year after the date of issuance of the notice of intent, and all pending actions against or requests of local government under subsection (4) of section 163.3202, Florida Statutes, or section 163.3213, Florida Statutes, are hereby continued until 1 year after the date of issuance of the notice of intent concerning that local government's plan.

Section 17. Section 186.009, Florida Statutes, is created to read:

186.009 Strategic Growth Management Implementation Plan.—

(1) The Executive Office of the Governor, assisted by the Department of Community Affairs, shall prepare a proposed Strategic Growth Management Implementation Plan to provide guidance for the development of plans and capital improvement programs by governmental entities influencing Florida's growth. The proposed plan shall be submitted to the Administration Commission, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate by March 1, 1990. The plan shall be adopted by the Administration Commission as a rule pursuant to chapter 120, Florida Statutes, by no later than July 1, 1990. Such rule shall take effect December 1, 1990, and shall apply only to state agencies.

(2) The Strategic Growth Management Implementation Plan shall include, but is not limited to:

(a) Strategies state agencies will use to encourage or limit various types of growth.

(b) Identification of areas of state environmental significance and strategies to protect the natural values of these areas and prohibit their urbanization through regulation, acquisition of interests in property, and incentives and disincentives to steer growth away from the areas identified.

(c) Strategies for achieving an equitable system of taxation to accomplish the strategies included in the plan.

(d) Strategies for ensuring that there is an integrated approach at all levels of government toward accomplishing the concurrency requirements set forth in sections 163.3177(3)(a) and 163.3202(2)(g), Florida Statutes.

(e) Strategies for ensuring that state agencies administer their regulatory, construction, and funding programs so as to encourage the efficient provision of urban services and protect areas of state environmental significance.

(f) Strategies to establish state solutions which will assist local governments in providing affordable housing.

(g) Other strategies as are necessary to provide an integrated and comprehensive approach to growth and development and which are consistent with the state comprehensive plan.

(3) All rules of state agencies adopted or amended after the effective date of the rule and all expenditures for state agency purposes for capital improvements after the effective date of the rule shall be consistent with the Strategic Growth Management Implementation Plan, as it may be amended from time to time, except to the extent that the rule or expenditure cannot be consistent with the State Growth Management Implementation Plan and still adhere to specific direction given to the agencies by the Legislature through law or appropriation.

Section 18. Section 212.054, Florida Statutes, 1988 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(1) No general excise tax on sales shall be levied by the governing body of any county or municipality unless specifically authorized in s. 212.055. Any general excise tax on sales authorized pursuant to said section shall be administered and collected exclusively as provided in this section.

(2)(a) The tax imposed by the governing body of any county or municipality authorized to so levy pursuant to s. 212.055 shall be a discretionary surtax on all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, rentals, admissions, and other transactions by this part. The surtax, if levied, shall be computed as the applicable rate or rates authorized pursuant to s. 212.055 times the amount of taxable sales and taxable purchases representing such transactions.

(b) However:

1. The tax on any sales amount above \$5,000 on any item of tangible personal property and on long distance telephone service shall not be subject to the surtax.

2. In the case of utility, telecommunication, or wired television services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or wired television services shall be subject to the surtax. In the case of utility, telecommunication, or wired television services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county or municipality. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of

payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county or municipality information necessary for issuance of a refund to the applicant. Counties or municipalities are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county or municipality imposing the surtax when:

(a) The dealer is located in the county or municipality, delivery is made to a location within the county or municipality or to a location within a county or municipality also imposing the surtax, and the sale includes tangible personal property, except as otherwise provided herein; provided, that the sale of any motor vehicle or mobile home of a class or type which is required to be registered in this state or in any other state shall be deemed to have occurred only in the county or municipality identified as the residence address of the purchaser on the registration or title document for such property;

(b) The event for which an admission is charged is located in the county or municipality;

(c) The consumer of utility or wired television services is located in the county or municipality, or the telecommunication services are provided to a location within the county or municipality;

(d) The user of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government imported into the county or municipality for use, consumption, distribution, or storage to be used or consumed in the county or municipality is located in the county or municipality; however, it shall be presumed that such items used outside the county or municipality for 6 months or longer before being imported into the county or municipality were not purchased for use in the county or municipality. The provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county or municipality;

(e) The purchaser of any motor vehicle or mobile home of a class or type which is required to be registered in this state is a resident of the taxing county or municipality as determined by the address appearing on or to be reflected on the registration document for such property;

(f) Any motor vehicle or mobile home of a class or type which is required to be registered in this state is imported from another state into the taxing county or municipality by a user residing therein for the purpose of use, consumption, distribution, or storage in the taxing county or municipality; however, it shall be presumed that such items used outside the taxing county or municipality for 6 months or longer before being imported into the county or municipality were not purchased for use in the county or municipality;

(g) The real property which is leased or rented is located in the county or municipality;

(h) The transient rental transaction occurs in the county or municipality;

(i) The delivery of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is to a location in the county or municipality; however, the provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county or municipality;

(j) The dealer owing a use tax on purchases or leases is located in the county or municipality;

(k) The delivery of tangible personal property other than that described in paragraphs (d), (e), or (f) is made to a location outside the county or municipality, but the property is brought into the county or municipality within 6 months after delivery, in which event, the owner must pay the surtax as a use tax; or

(l) A Florida manufacturer or wholesaler who is located in the county or municipality sells tangible personal property to a dealer who is located outside the county or municipality, but delivers the property within the county or municipality, or within a county or municipality also imposing the surtax, to a customer of the dealer, in which event the dealer must collect and remit the surtax imposed by the county or municipality in which such manufacturer or wholesaler is located.

(4) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11(1)(a). Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale. For the purposes of this section and s. 212.055, the "proceeds" of any surtax shall be construed to mean all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes. Notwithstanding the provisions of s. 212.20, the proceeds of each discretionary sales surtax imposed by each county or municipality, less the costs of administration, shall be transferred to a discretionary sales surtax trust fund. A separate trust fund shall be established in the State Treasury for each county or municipality imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties and municipalities levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties and municipalities levying the surtax on the basis of the amount collected for a particular county or municipality to the total amount collected for all counties and municipalities. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county or municipality levying a surtax. Proceeds shall be distributed monthly to the appropriate counties and municipalities, unless otherwise provided in s. 212.055.

(5) No discretionary sales surtax shall take effect on a date other than January 1. No discretionary sales surtax shall terminate on a day other than the last day of a calendar quarter.

(6) The governing body of any county or municipality levying a discretionary sales surtax shall enact an ordinance levying the surtax in accordance with the procedures described in s. 125.66(2) and shall notify the department within 10 days after adoption of the ordinance. The notice shall include the time period during which the surtax will be in effect, the rate, a copy of the ordinance, and such other information as the department may prescribe by rule. Notification and final adoption of the surtax shall occur no later than 45 days prior to initial imposition of the surtax.

(7) With respect to any motor vehicle or mobile home of a class or type which is required to be registered in this state, the tax due on a transaction occurring in the taxing county or municipality as herein provided shall be collected from the purchaser or user incident to the titling and registration of such property, irrespective of whether such titling or registration occurs in the taxing county or municipality.

Section 19. Subsection (2) of section 212.055, Florida Statutes, 1988 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a) The governing authority in each county may levy, for a period of up to 15 years from the date of levy, a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to one of the following methods:

1. An ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax;—If

2. The governing bodies of the municipalities representing a majority of the county's *municipal* population may adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, in which case the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax; or

3. An ordinance enacted by an extraordinary vote of the members of the county governing authority, provided that the county governing authority and the governing bodies of municipalities representing a majority of the county's municipal population enter into an interlocal agreement regarding the distribution of the proceeds of the surtax. ~~No referendum election called pursuant to the provisions of this subsection shall be held between March 9 and December 31, 1988.~~

(b) A county governing authority that enacts the tax by extraordinary vote pursuant to ordinance shall follow the regular enactment procedure for ordinances as set out in s. 125.66, except that the advertisement must contain a statement which includes a brief general description of the projects to be funded by the surtax. If the surtax is enacted pursuant to a referendum, a statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's municipal population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

. . . . FOR the . . . . -cent sales tax  
. . . . AGAINST the . . . . -cent sales tax

(c) Pursuant to s. 212.054(4), any instance where the surtax has been enacted by a referendum, the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, *except that the proceeds and any interest accrued thereto may be used for planning purposes in the development and implementation of the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163. Counties and municipalities, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, the provision of affordable housing, and land acquisition for public recreation or conservation of natural resources.*

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) Counties and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a

jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

~~(g) No referendum proposing the levying of such surtax shall be held after November 30, 1992.~~

~~(g)(h)~~ Notwithstanding s. 212.054(5), the surtax must take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a), and may not take effect until at least 60 days after the date of enactment ~~that the referendum approving the levy is held.~~

(h) Municipalities whose comprehensive plans have been found to be in compliance and that are located in a county which has not levied the surtax within 1 year after the issuance of the notice of intent, regarding the county's comprehensive plan, by the state land planning agency pursuant to s. 163.3184(8), may, by a majority vote of the governing body, levy the surtax for a period of up to 15 years from the date of levy, or until the county levies the surtax pursuant to this subsection, whichever occurs sooner. The levy shall be pursuant to an ordinance enacted by the municipality and approved by a majority of the electors of the municipality voting in a referendum on the surtax. If a municipality elects to levy and impose the surtax, the municipality shall assist the Department of Revenue in identifying the business locations subject to tax in the municipality.

(i) No county or municipality may levy the surtax without referendum unless:

1. The county governing board is under a federal or state requirement to plan, construct, or acquire infrastructure;

2. The county governing board makes a legislative finding that the revenue to be derived from the tax is necessary to avoid an imminent federal or state requirement to plan, construct, or acquire infrastructure;

3. The county governing board makes a legislative finding that the early imposition of the tax is necessary to plan, construct, or acquire infrastructure required by s. 163.3177(6) in an economically feasible manner; or

4. The local government comprehensive plan has been found to be in compliance by the Department of Community Affairs or there is a valid compliance agreement or a final order finding the plan in compliance has been issued by the Administration Commission pursuant to chapter 163, part II.

(j) Nothing herein shall preclude local government from using the surtax to fund infrastructure needed to meet compliance in the comprehensive plan.

Section 20. Paragraph (b) of subsection (1) of section 212.67, Florida Statutes, 1988 Supplement, is amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer licensed under s. 206.404 is entitled to a refund of 1.4 percent of the tax imposed by this part on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel. However, any retail dealer who sells motor fuel within a county which imposes a tax under s. 336.021, s. 336.025, or s. 336.026 may take as a credit against any tax due on his local option gas tax return the amount to which he is entitled as a refund under this paragraph. Nothing in this paragraph shall be construed to allow this credit to be subtracted from the moneys deposited in the Local Option Gas Tax Trust Fund or the County Voted Gas Tax Trust Fund.

Section 21. Section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ~~voted~~ gas tax on motor fuel and special fuel.—

(1) Any county in the state, in the discretion of its governing body ~~and subject to a referendum~~, may impose by ordinance, in addition to all

other taxes required or allowed by law, a 1-cent ~~voted~~ gas tax upon every gallon of motor fuel and special fuel sold in such county and taxed under the provisions of part I or part II of chapter 206, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The governing body of the county may provide that the *ordinance referendum* be worded to limit the number of years such tax will remain in effect. The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for these transportation purposes and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the department to the county where collected. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. Any person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds \$1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of \$1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.

(2) The additional tax collected by the department pursuant to subsection (1) shall be transferred to the *County Voted Gas Tax Trust Fund*, which fund is created for distribution to the county in which the tax was collected. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

(3) It is expressly recognized and declared by the Legislature that the establishment, operation, and maintenance of a transportation system and related facilities and the acquisition, construction, reconstruction, and maintenance of roads and streets fulfill a public purpose and that payment of the costs and expenses therefor may be made from county general funds, special taxing district funds, or such other funds as may be authorized by special or general law. Counties are authorized to expend the funds received under this section in conjunction with the state or federal government in joint projects.

(4) A certified copy of the ordinance ~~levying proposing to levy~~ the tax allowed by this section shall be furnished by the county to the department within 10 days of approval of such ordinance. ~~Furthermore, the county levying such tax shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.~~

(5) The tax shall not take effect until at least 60 days after the county notifies the department of passage of the *ordinance referendum*. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the department of such decision.

Section 22. Section 339.178, Florida Statutes, is created to read:

339.178 Levels of service for the State Highway System.—

(1) The definition of the term "State Highway System" provided in s. 334.03 is incorporated by reference in this section.

(2)(a) The Department of Transportation shall establish and adopt, by rule, level-of-service standards for sections of roads on the State Highway System. In establishing level-of-service standards the Department of Transportation shall consider and balance:

1. Existing land development patterns, land development patterns in approved local government comprehensive plans, and policies and goals in the comprehensive regional policy plans and the state comprehensive plan;

2. Design and operational parameters as established by the Department of Transportation in accordance with Federal Highway Administration guidelines;

3. The safe and efficient movement of people and goods;

4. The geographic location of individual roads or a portion of a road, including, but not limited to, whether the road or a portion of a road is within an existing urbanized area, an incorporated place outside an existing urbanized area, an area projected to become part of an urban or urbanized area within a planning period of approximately 20 years, or a rural area;

5. The functional classification of the road; and

6. Existing access and access-management systems available to the department to maintain and enhance the capacity of state roads or transportation systems.

(b) In establishing level-of-service standards, the Department of Transportation shall designate sections of roads on the State Highway System for special consideration where:

1. The existing level of service is at the lowest established level-of-service standard and major capacity improvements are not included in the Department of Transportation's 5-year transportation plan or the capital improvement element of the local government's comprehensive plan;

2. The road is constrained either physically or environmentally from major capacity improvements; or

3. The road is parallel to a transit facility that is supported by local government efforts to promote that transit facility.

The Department of Transportation shall, in connection with such special state road designation, establish standards and methodologies on the amount of acceptable increases in the traffic volume on such designated roads on the State Highway System until the incorporation of major capacity improvements in the department's 5-year transportation plan or the capital improvement element of the local government's comprehensive plan. Such standards and methodologies shall include, but not be limited to, consideration of the range of impact of land densities and traffic flows to existing interchanges and major access points and specific transportation corridor policies and programs.

(c) Level-of-service standards established for roads on the State Highway System shall be financially feasible based on current operating conditions and currently available revenue sources which are projected in the department's 5-year transportation plan or the capital improvement element of the local government's comprehensive plan. Nothing contained herein shall be construed or interpreted to preempt the provisions of chapter 9J-5, Florida Administrative Code, as amended.

(d) The level of service standards shall be established in a manner that divides the state highway system into sections of varying lengths. These sections may be continuous as long as highway and traffic characteristics remain significantly unchanged. Significant changes in such characteristics shall require the identification of new sections. Factors to be considered in establishing termini of sections include, but are not limited to:

1. A major change in access points or a change identified in an adopted access management classification;

2. A major change in existing land use, intensities, and densities;

3. A major change in land use, intensities and densities projected in an approved local government comprehensive plan;

4. A change in the number of through lanes;

5. An intersecting principal arterial or freeway;

6. A change in functional classification;

7. A major change in traffic volume.

(3) The Department of Transportation shall hold at least one public hearing in each district at least 30 days prior to the filing of the notice of rulemaking. Such public hearing shall be noticed to the public in a manner similar to advertisement requirements for a public hearing in s. 163.3184(15)(c). Immediately following the public hearing, the affected local government may submit comments to the Department of Transportation. Adoption of rules establishing level-of-service standards on roads on the State Highway System shall not be subject to a rule challenge under s. 120.54(4) or drawout proceedings under s. 120.54(17), but shall be subject to challenge under s. 120.56. However, pursuant to s. 120.56, a local government, a regional planning council, or any affected person as defined in s. 163.3184(1) may challenge the establishment or modification of a level of service as applied to a road or segment of road on the State Highway System within the local government's jurisdiction.

Section 23. The Florida Transportation Commission shall perform a study of the functional classification of roads on the State Highway System. The commission shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than September 15, 1989. In its report, the commission shall, at a minimum:

(1) Determine the fiscal impact and any other effects of a transfer to the counties of those urban minor arterials on the State Highway System and recommend a reasonable timeframe for the phased transfer of such roads to the counties.

(2) Evaluate the appropriateness of transferring to the counties those minor arterial extensions into urban areas that are on the State Highway System. In addition, determine the fiscal impact and other effects of a transfer of such roads and recommend a reasonable timeframe for the phased transfer of such roads.

(3) Recommend the factors or criteria that should be included in a systematic approach for evaluating urban principal arterials on the State Highway System to determine whether such roads are of state or regional significance and should, therefore, remain on the State Highway System, or whether such roads primarily serve a local transportation function and should, therefore, be transferred to the appropriate local governmental entity. If the transfer of roads is from the state to the local government, appropriate state funds shall also be transferred.

(4) Evaluate existing legal requirements for establishing levels of service on public roads and recommend procedures for setting levels of service on segments and corridors of the State Highway System.

Section 24. Analysis of local government funding.—

(1) To assist the Legislature in determining the appropriate level of responsible local effort, the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, shall develop and make available by March 1, of 1990, an analysis of local government funding effort for the most recent fiscal year for which local government fiscal data are available and a system for determining average taxpayer burden within each jurisdiction and between jurisdictions.

(2) The analysis shall contain, but not be limited to, the following information for each local government and shall be organized by population levels as appropriate:

- (a) Identification of available revenue sources;
- (b) Evaluation of the extent to which each available source of revenue is utilized;
- (c) Evaluation of the relative level of utilization of each and all sources compared to neighboring governments and governments of like circumstances;
- (d) Identification of the types of impact fees utilized and the revenues generated therefrom;
- (e) Estimation of average taxpayer burden in each local jurisdiction, taking into account school district taxes, special district levies, and other property-based or recurring levies and fees.

(3) In addition to the analysis, the Department of Community Affairs shall provide to the Executive Office of the Governor and the Legislature a proposal outlining criteria to be used in measuring whether a responsible local effort to fund transportation improvements has been made by each local government.

Section 25. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

#### The President presiding

#### Senator Langley presiding

Further consideration of CS for SB 1347 was deferred.

#### Motion

On motion by Senator Scott, by two-thirds vote House Bills 1686, 1754, 1755, 1756, 1757, 1758, 1759 and 1760 (Reviser's Bills) were added to the special order calendar to be considered no earlier than 3:00 p.m. this day.

#### RECESS

On a point of order called by Senator Gordon, the Senate recessed at 12:05 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Scott	

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for CS for HB 1366 was withdrawn from the Committee on Rules and Calendar; SB 460 and CS for CS for SB 1076 were withdrawn from the Committee on Governmental Operations; CS for HB 766 was withdrawn from the Committee on Insurance; and CS for CS for HB 1388 was withdrawn from the Committee on Natural Resources and Conservation.

#### SPECIAL ORDER, continued

The Senate resumed consideration of—

**CS for SB 1347**—A bill to be entitled An act relating to growth management; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such



amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; amending s. 336.025, F.S.; authorizing an increase in the local option gas tax; requiring the Department of Transportation to adopt rules establishing level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

—with pending substitute **Amendment 2**.

Senator Thurman moved the following amendment to substitute Amendment 2 which failed:

**Amendment 2A**—On page 1 lines 22 and 23, strike “and discourage urban development incompatible with the intent of this section.” and insert: Local governments may permit development outside these areas which is consistent with the State Comprehensive Plan, Chapter 163, F.S., and the provisions of this section.

Senator Plummer moved the following amendment to substitute Amendment 2 which failed:

**Amendment 2B**—On page 2, strike all of lines 13-20 and insert: have been approved by the Legislature. Local governments shall

Senator Gardner moved the following amendment to substitute Amendment 2 which failed:

**Amendment 2C**—On page 13, between lines 11 and 12, insert:

(a) *The comments by the Department of Transportation shall include a list of state roads for which the level of service proposed by the local government in its proposed comprehensive plan or plan amendment is lower than the level of service required by the Department of Transportation. For those state roads for which a lower level of service is proposed by the local government, the Department of Transportation shall either:*

1. *Lower the level of service required by the department to that which is proposed by the local government;*

2. *Adopt a funding plan to assure a level of service for the state roads which is concurrent with the impacts of development permitted*

*under the local government's proposed comprehensive plan or plan amendment; or*

3. *Inform the local government, the state land planning agency, and the Governor of the nonavailability of the state roads.*

(b) *In addition, the Department of Transportation shall monitor the development which is proposed by the local government. If the Department of Transportation determines that the development proposed to be permitted by the local government will result in a degradation in the level of service required by the department for a state road, the department shall notify the Governor, the local government, and the state land planning agency of such determination. Such notification shall include an estimate of the cost and time period required to improve the state road to a level of service which is concurrent with impacts of development planned to be permitted by the local government.*

(c) *The appropriate regional planning council shall also provide its written comments to the state land planning agency within 45 days after receipt of the plan or plan amendments and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the plan.*

#### (8) NOTICE OF INTENT.—

(a) *The state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act. The state land planning agency may not find a local plan to be not in compliance unless the state land planning agency has participated in the public hearing pursuant to subsection (7) if requested to do so by the applicable local government. The state land planning agency may not find a local plan to be not in compliance based on any reason related to state roads. The agency's determination of compliance shall be only based upon one or both of the following:*

1. *The state land planning agency's written comments to the local government pursuant to subsection (6); and*

2. *Any changes made by the local government to the comprehensive plan or plan amendment as adopted.*

Section 3. Paragraph (g) of subsection (2) of section 163.3202, Florida Statutes, is amended to read:

163.3202 Land development regulations.—

(2) *Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:*

(g) *Provide that public facilities and services, excluding state roads, meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.*

Senator Gardner moved the following amendment to substitute Amendment 2 which was adopted:

**Amendment 2D**—On page 50, between lines 8 and 9, insert:

(k) *With respect to any tax enacted by a municipality pursuant to this section, taxable transactions and administrative procedures shall be as provided in s. 212.054, except that the tax shall only be applicable to transactions occurring in the municipality enacting the tax according to the rules and presumptions set forth in subsection (3) of s. 212.054 as applied to the geographical and jurisdictional boundaries of the municipality. The tax on any sales amount above \$5,000 on any item of tangible personal property and on long distance telephone service shall not be subject to the surtax.*

Senators Dudley and Ros-Lehtinen offered the following amendment to substitute Amendment 2 which was moved by Senator Dudley and adopted:



**Amendment 2E**—On page 45, line 7 through page 50, line 8, strike all of said lines and renumber subsequent sections.

The vote was:

Yeas—19

Bankhead	Deratany	McPherson	Thurman
Brown	Dudley	Plummer	Walker
Bruner	Grant	Ros-Lehtinen	Weinstein
Casas	Kiser	Souto	Weinstock
Childers, D.	Langley	Thomas	

Nays—16

Mr. President	Forman	Johnson	Peterson
Childers, W. D.	Girardeau	Malchon	Scott
Crenshaw	Grizzle	Meek	Stuart
Davis	Jennings	Myers	Woodson-Howard

Vote after roll call:

Yea—Gordon

**Senator Stuart presiding**

Senator Bankhead moved the following amendment to substitute Amendment 2 which failed:

**Amendment 2F**—On page 58, between lines 4 and 5, insert:

Section 24. Collection of impact fees by installment method; pledge of revenues from impact fees.—

(1) A county or municipality may, at its option, provide for collection of impact fees that it levies on new construction, in equal annual installments for periods not exceeding 15 years. A person who is paying an impact fee in installments must make the annual payment before April 1 of each year. If the person is delinquent in paying any installment, such person is subject to the provisions of section 197.344 or section 197.3631, Florida Statutes.

(2) The revenues to be derived by a county or municipality from impact fees collected by the installment method provided for in subsection (1) may be pledged to secure bonds issued by the county or the municipality for the purpose of providing essential services and facilities, the need for which is created by new construction in the county or municipality. Such bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions, and covenants as the governing board of the county or municipality provides. The bonds must be issued and administered pursuant to chapter 130, Florida Statutes.

(Renumber subsequent section.)

**The President presiding**

Further consideration of **CS for SB 1347** as amended was deferred.

**CS for CS for SB 102**—A bill to be entitled An act relating to environmental education; amending s. 229.8055, F.S.; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; transferring certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; creating the Interagency Environmental Education Coordinating Committee to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for regular meetings of members and staff of specified entities; creating the Save Our State Environmental Education Trust Fund; authorizing the Advisory Council on Environmental Education to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for

future legislative review of such exemption; creating s. 220.187, F.S.; providing for a credit against the corporate income tax for contributions to such corporation; providing for application; amending s. 220.02, F.S.; specifying the order of taking such credit; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing additional positions; providing appropriations; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for CS for SB 102 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Forman	Malchon	Stuart
Bankhead	Gardner	Margolis	Thomas
Brown	Gordon	McPherson	Thurman
Bruner	Grant	Meek	Walker
Casas	Grizzle	Myers	Weinstein
Childers, D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kiser	Ros-Lehtinen	
Dudley	Langley	Souto	

Nays—None

Consideration of **CS for SB 1374** was deferred.

**SB 153**—A bill to be entitled An act relating to the labeling of packaged food products; requiring that packaged food products sold in Florida be labeled with information concerning the fats and oils contained in or used in the preparation of the product; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Souto and adopted:

**Amendment 1**—On page 1, strike all of lines 15-20 and insert:

(1) The label must specify the type of fats or oils contained in the packaged food product or used in its preparation;

(2) The label must specify the amount of fats or oils contained in the packaged food product; and

(3) The label must contain a statement that reads substantially as follows, "Some dieticians believe that it is unhealthy for persons with high blood cholesterol levels to consume foods containing certain fats or oils. Consult your physician for information concerning the effects of these fats and oils on your health."

Section 2. This act shall take effect July 1, 1990.

Senator Souto moved the following amendments which were adopted:

**Amendment 2**—On page 1, strike all of lines 13-20 and insert: fats or oils may not be sold in this state unless it is packaged in a container that is labeled with a description of the exact type of all oil or fats contained in the food product. The label must specify the amount of cholesterol contained in each serving of the product.

Section 2. This act shall take effect October 1, 1991.

**Amendment 3**—In title, on page 1, strike line 7 and insert: product and be labeled with information concerning the cholesterol contained in the product; providing an effective date.

On motion by Senator Souto, by two-thirds vote SB 153 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Bruner	Childers, W. D.	Deratany
Bankhead	Casas	Crenshaw	Dudley
Brown	Childers, D.	Davis	Forman

Gardner	Kiser	Peterson	Thurman
Gordon	Langley	Plummer	Walker
Grant	Malchon	Ros-Lehtinen	Weinstein
Grizzle	Margolis	Souto	Weinstock
Jennings	Meek	Stuart	Woodson-Howard
Johnson	Myers	Thomas	

Nays—None

**SB 1203**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.04, F.S.; redefining the term "preceding racing season" for the purpose of computing tax on handle; amending section 21 of chapter 88-346, Laws of Florida; providing additional days of greyhound operation in Escambia County; directing the Florida Pari-mutuel Commission to annually award such additional operating days; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

**Amendment 1**—On page 1, strike all of lines 25-27 and insert: of latitude 28° 35', or, beginning on January 1, 1990, counties with a dog-racing permitholder whose racetrack is within 75 miles of a dog-racing track in any other state, provided such permitholder utilized all authorized performances during the preceding calendar year except when the Florida Pari-mutuel Commission determines that the permitholder has been prevented from doing so by a natural disaster or circumstances beyond his control, shall be deemed to consist of the

On motion by Senator W. D. Childers, by two-thirds vote SB 1203 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Gordon	Margolis	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—1

Peterson

On motion by Senator Deratany, by two-thirds vote HB 817 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany—

**HB 817**—A bill to be entitled An act relating to the Florida Security for Public Deposits Act; amending s. 280.16, F.S., which provides an exemption from public records requirements for certain reports required of public depositories and financial institutions under said act; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 1260 and read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 3 and 4, insert:

Section 2. (1) The Town of Century, Florida, is hereby exempted from the requirement contained in sections 280.02 and 280.03, Florida Statutes, that public deposits must be made in qualified public depositories that are organized and existing under the laws of the State of Florida or that are organized under the laws of the United States and have their principal places of business or branch offices in this state, which exemption is subject, however, to the provisions of subsection (2).

(2) The Treasurer of the State of Florida is hereby authorized to review and approve or disapprove any bank or savings association that the Town of Century proposes to use for its public deposits. Upon review and approval of a bank or savings association by the Treasurer, any public deposits of the Town of Century which are deposited in the

approved bank or savings association have the same protection and benefits as accorded to public deposits in qualified public depositories under chapter 280, Florida Statutes.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 9, before "providing," insert: exempting the Town of Century, Florida, from certain provisions of ch. 280, F.S., the Florida Security for Public Deposits Act, thereby allowing the town to deposit public moneys in certain banks or savings associations that are not designated as qualified public depositories; authorizing the Treasurer of the state to review and approve or disapprove specific banks and savings associations proposed by the town for deposit of its public moneys; providing that public moneys of the town deposited in such approved banks or savings associations have the same protection and benefits as public deposits in qualified public depositories under ch. 280, F.S.;

On motion by Senator Deratany, by two-thirds vote HB 817 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Forman	Malchon	Souto
Bankhead	Gardner	Margolis	Stuart
Brown	Girardeau	McPherson	Thomas
Bruner	Gordon	Meek	Thurman
Casas	Grant	Myers	Walker
Childers, W. D.	Grizzle	Peterson	Weinstein
Davis	Jennings	Plummer	Weinstock
Deratany	Johnson	Ros-Lehtinen	Woodson-Howard
Dudley	Kiser	Scott	

Nays—None

The Senate resumed consideration of—

**CS for SB 1347**—A bill to be entitled An act relating to growth management; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain

impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; amending s. 336.025, F.S.; authorizing an increase in the local option gas tax; requiring the Department of Transportation to adopt rules establishing level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

—as amended.

On motion by Senator Kiser, the Senate reconsidered the vote by which **Amendment 2E** was adopted.

**Amendment 2E** failed.

Senator Johnson moved the following amendment to substitute Amendment 2 which was adopted:

**Amendment 2G**—On page 47, line 15, after the semicolon (;) insert: *the interlocal agreement may include district school boards with the consent of the county governing authority and the municipalities representing a majority of the county's municipal population;*

On motion by Senator Langley, the Senate reconsidered the vote by which **Amendment 2F** failed.

**Amendment 2F** was adopted.

**Substitute Amendment 2** as amended was adopted.

Senator Meek moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; creating s. 163.3179, F.S.; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3164, F.S.; providing for the definition of development; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations except concurrency for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and

redevelopment; amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating s. 163.3203, F.S.; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; creating s. 186.009, F.S.; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.054, F.S.; providing for administering, collecting, and enforcing the discretionary sales surtax within a municipality; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; requiring the Department of Transportation to adopt rules establishing financially feasible level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

### Point of Order

Senator Stuart raised a point of order that pursuant to Rule 4.8, the bill as amended should be referred to the Committee on Appropriations.

### Ruling on Point of Order

**Mr. President:** I have had a chance to review the bill and to research the point and am now prepared to rule on the point. The requirements that are placed in this bill upon existing state agencies do not expand the state agencies, do not increase the employees by any degree at all. It requires them to do certain things but they can be done by the same number of employees, so there is no fiscal impact on the state. With that in mind, my ruling is that the point is not well taken.

On motion by Senator Meek, by two-thirds vote CS for SB 1347 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Gardner	Kiser	Peterson
Bankhead	Girardeau	Langley	Scott
Beard	Grant	Malchon	Souto
Casas	Grizzle	Margolis	Weinstein
Crenshaw	Jennings	McPherson	Woodson-Howard
Davis	Johnson	Meek	
Dudley	Kirkpatrick	Myers	

Nays—13

Brown	Forman	Stuart	Weinstock
Bruner	Gordon	Thomas	
Childers, D.	Plummer	Thurman	
Childers, W. D.	Ros-Lehtinen	Walker	

Vote after roll call:

Yea—Deratany

**Explanations of Vote**

I am voting for CS for SB 1347 because it has been the best opportunity to date to help fund Florida's tremendous growth management needs. However, I am firmly opposed to eliminating the present mandatory referendum requirement for imposition of an additional one cent sales tax, as demonstrated by my amendment which was initially adopted.

I am convinced that the House of Representatives will not address the funding of growth management this year, unless we can show strong support for the concept, and I hope my vote today will keep this issue alive enough to be addressed responsibly.

*Fred R. Dudley, 38th District*

I voted against CS for SB 1347 because I believe that it violates the integrity of the original Growth Management Act.

Having been intimately involved in the growth planning process since the mid-1970's and as the Senate representative for two of Florida's three fastest-growing counties, I cannot, in good conscience, disregard their quality of life in favor of that of urban communities. Moreover, I believe that this program will afford the Department of Transportation the opportunity it is seeking to transfer state roads to local government responsibility. Florida will be unable to effectively manage its growth until it acknowledges that it will require a truly cooperative effort between state and local government.

*Karen L. Thurman, 4th District***Motion**

On motion by Senator Scott, the rules were waived and time of recess was extended until 6:30 p.m.

On motions by Senator Jennings, by two-thirds vote—

**CS for HB 1396**—A bill to be entitled An act relating to insurance; creating s. 626.2815, F.S.; establishing requirements and standards for continuing education courses for persons licensed to sell or solicit insurance; providing for application; providing exceptions; providing education requirements; providing for compliance; providing penalties; creating a continuing education advisory board appointed by the Insurance Commissioner and Treasurer; providing for review and repeal; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 1374 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB 1396 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Casas	Forman	Grizzle
Bankhead	Childers, W. D.	Gardner	Jennings
Beard	Crenshaw	Girardeau	Johnson
Brown	Deratany	Gordon	Kirkpatrick
Bruner	Dudley	Grant	Kiser

Langley	Myers	Stuart	Weinstock
Malchon	Peterson	Thomas	Woodson-Howard
Margolis	Ros-Lehtinen	Thurman	
McPherson	Scott	Walker	
Meek	Souto	Weinstein	

Nays—None

**Senator W. D. Childers presiding**

**CS for SB 332**—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.31, F.S.; requiring health maintenance organizations which offer optometric services to provide the health care services of a licensed optometrist; requiring health maintenance organizations which offer services performed by ophthalmologists to offer the services of an ophthalmologist; reenacting s. 641.19(6)(e), F.S., defining the term "health maintenance organization"; providing that the act does not require the services of an optometrist in lieu of an optician; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Thomas and adopted:

**Amendment 1**—On page 1, line 18, strike "(18) and (19)" and insert: (18), (19), and (20)

**Amendment 2**—On page 2, between lines 3 and 4, insert:

(20) *Notwithstanding any other provision of law, health maintenance policies or contracts which provide anesthesia coverage, benefits, or services shall offer to the subscriber, if requested, the services of a certified registered nurse anesthetist licensed pursuant to chapter 464.*

**Amendment 3**—In title, on page 1, line 10, after the semicolon (;) insert: requiring health maintenance organizations which offer anesthesia services to provide, if requested, the health care services of a certified registered nurse anesthetist;

On motion by Senator Thomas, by two-thirds vote CS for SB 332 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea to Nay—Davis

**Consideration of Revisers' Bills**

Pursuant to the motion by Senator Scott, the Senate proceeded to consideration of the following bills:

**HB 1686**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1989 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1989 shall be effective immediately upon publication; providing that general laws enacted during the 1987 regular and special legislative sessions up to and including the special session of October 12 to October 14, 1987, and prior thereto and not included in the Florida Statutes 1989 are repealed; providing that general laws enacted during the December 1987 special session, the 1988 regular and special sessions, and the 1989 regular session are not repealed by this adoption act.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote HB 1686 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

**HB 1754**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 447.04(1), 790.07(2), and 839.25(1), F.S., and repealing ss. 83.66, 99.032, and 768.80, F.S., to conform to judicial decisions holding said provisions or parts thereof unconstitutional or superseded by court rule.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Langley and adopted:

**Amendment 1**—In title, on page 1, line 1 through page 1, line 8, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 447.04(1), 790.07(2), and 839.25(1), F.S., and repealing ss. 83.66, 99.032, and 768.80, F.S., to conform to judicial decisions holding said provisions or parts thereof unconstitutional.

On motion by Senator Langley, by two-thirds vote HB 1754 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

**HB 1755**—A bill to be entitled An act relating to the Florida Statutes; repealing ss. 112.192, 159.805(9), 159.808, 207.028, 212.14(6), 214.09, 351.003(1), 351.009, 377.706, 403.771, 440.385(13)(a), 573.50, 573.51, 573.52, 573.53, 573.54, 573.55, 573.56, 573.57, 573.58, 573.59, 573.60, 573.61, 573.62, 573.63, 573.64, 573.65, 573.66, 573.67, 573.68, 573.69, 573.70, 573.71, 573.72, 573.73, 573.74, 573.75, 573.76, 573.801, 573.802, 573.803, 573.804, 573.805, 573.806, 573.807, 573.808, 573.809, 573.810, 573.811, 573.812, 573.813, 573.814, 573.815, 573.816, 573.817, 573.818, 573.819, 573.820, 573.821, 573.822, 573.823, 573.824, 573.825, 573.826, 573.827, 624.429(3), 624.512, 624.513, 624.514, 633.05, 633.051, 633.40, 726.01, 726.07, and 726.08, F.S., and ss. 766.107 (s. 768.575, F.S. 1987) and 766.109 (s. 768.595, F.S. 1987), and ss. 20.315(8)(c), 218.37(3), 450.33(10), 450.34(3), 458.313(1)(c), and 468.1695(2), F.S. (1988 Supplement), all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from publication in the Florida Statutes 1989 only through a reviser's bill duly enacted by the Legislature.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 10, line 9 through page 10, line 10, strike all of said lines and insert:

Section 19. Section 768.575, Florida Statutes, renumbered as section 766.107, Florida Statutes (1988 Supplement), is repealed.

**Amendment 2**—On page 10, line 25 through page 10, line 26, strike all of said lines and insert:

Section 20. Section 768.595, Florida Statutes, renumbered as section 766.109, Florida Statutes (1988 Supplement), is repealed.

**Amendment 3**—In title, on page 1, line 1 through page 1, line 27, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 112.192, 159.805(9), 159.808, 207.028, 212.14(6), 214.09, 351.003(1), 351.009, 377.706, 403.771, 440.385(13)(a), 573.50, 573.51, 573.52, 573.53, 573.54, 573.55, 573.56, 573.57, 573.58, 573.59, 573.60, 573.61, 573.62, 573.63, 573.64, 573.65, 573.66, 573.67, 573.68, 573.69, 573.70, 573.71, 573.72, 573.73, 573.74, 573.75, 573.76, 573.801, 573.802, 573.803, 573.804, 573.805, 573.806, 573.807, 573.808, 573.809, 573.810, 573.811, 573.812, 573.813, 573.814, 573.815, 573.816, 573.817, 573.818, 573.819, 573.820, 573.821, 573.822, 573.823, 573.824, 573.825, 573.826, 573.827, 624.429(3), 624.512, 624.513, 624.514, 633.05, 633.051, 633.40, 726.01, 726.07, and 726.08, F.S.; s. 768.575, F.S., (renumbered as s. 766.107, F.S., 1988 Supplement); s. 768.595, F.S., (renumbered as s. 766.109, F.S., 1988 Supplement); and ss. 20.315(8)(c), 218.37(3), 450.33(10), 450.34(3), 458.313(1)(c), and 468.1695(2), F.S. (1988 Supplement), all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from publication in the Florida Statutes 1989 only through a reviser's bill duly enacted by the Legislature.

On motion by Senator Langley, by two-thirds vote HB 1755 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kiser	Scott
Brown	Forman	Langley	Souto
Bruner	Gardner	Margolis	Stuart
Casas	Girardeau	McPherson	Thomas
Childers, D.	Gordon	Meek	Thurman
Childers, W. D.	Grant	Myers	Walker
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Weinstein

**HB 1756**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 112.153, 381.601(6)(a), 395.101(1)(d), 400.609(2), and 409.2663(2)(d), F.S., and ss. 119.07(3)(n), 154.304(1), (4), 381.703(2)(c), 395.017(3)(c), 395.63, 407.035, 409.2673(9)(f), 440.13(4)(a), and 766.314(4)(a), F.S. (1988 Supplement); replacing references to the "Hospital Cost Containment Board" with references to the "Health Care Cost Containment Board" to conform to ch. 88-394, Laws of Florida, which changed the name of the board.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 5, line 11 through page 5, line 24, strike all of said lines and renumber subsequent sections.

**Amendment 2**—On page 12, line 1 through page 12, line 19, strike all of said lines and renumber subsequent sections.

**Amendment 3**—In title, on page 1, line 1 through page 1, line 13, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 112.153, 381.601(6)(a), 395.101(1)(d), and 400.609(2), F.S., and ss. 119.07(3)(n), 154.304(1), (4), 381.703(2)(c), 395.017(3)(c), 395.63, 409.2673(9)(f), 440.13(4)(a), and 766.314(4)(a), F.S. (1988 Supplement); replacing references to the "Hospital Cost Containment Board" with references to the "Health Care Cost Containment Board" to conform to ch. 88-394, Laws of Florida, which changed the name of the board.

On motion by Senator Langley, by two-thirds vote HB 1756 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Gordon	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

**HB 1757**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 11.045(7), 39.4055(5), 100.241(5), 104.013(4), 104.031, 104.0515(5), 104.185, 106.07(5), 110.126, 110.127(1), 125.0108(4)(a), (b), 161.121, 210.15(8), 210.18(6)(a), (8)(b), 216.311(2), 228.091(1)(b), (2)(b), 229.808(6), 231.06(1), 235.09, 240.381(1), 257.261, 281.08(2), 286.011(3)(b), 288.011(4), 288.075(5), 320.0898(5), 320.831(2), (3), 322.13(2), 327.30(4), 327.65(2)(a), 327.72, 328.19, 365.165(3), 367.165(1), 372.26(2), 372.6645(3), 372.667(3), 375.314(1), 381.262(3), 381.295(8)(c), 381.601(8), 381.711, 390.025(3), 393.0674(1), 394.457(6)(k), 394.875(3), 395.0165(1), 396.0427(1), 396.172(2), 397.0716(1), 399.11, 400.427(6)(a), 401.41(1), (2), (3)(a), 402.318, 402.319(1), 404.20(9), 413.012(3), 413.021(4), 413.031(5), 413.067, 413.07(4), 413.08(2), (5), 440.34(6), 447.14, 448.09(3), 455.232(2), 455.25, 457.116(2), 459.013(2), (3), 459.021(5), 460.411(2), 461.012(2), 463.015(2), 464.016(2), 465.015(4), 465.186(5), 466.021, 466.026(2), 466.039, 467.201, 468.1745(2), 468.311, 470.023, 470.031(2), 471.031(2), 472.031(2), 473.322(2), 474.213(2), 475.421, 475.453(3)(a), 476.194(2), 477.0265(2), 480.047(2), 482.191(2), (3), 483.325(1), 484.013(4), 484.053(2), 484.054, 489.558(1), 490.012(2), 492.112(2), 493.32, 493.321(1), 493.576(1), 499.75(3), (6), (7), (8), (9), 501.055, 501.122(3)(b), 501.138(4), 501.2045(2), 506.518, 509.141(3), 509.143(4), 509.151(1), 509.201(3), 509.211(3)(b), 509.241(1), 509.281(2), 509.292(3), 513.054, 513.10(1), 513.111(3), 513.121(1), 513.13(2), 520.12(1), 520.39(1), 520.57(1), 520.98(1), 527.02(1)(a), 534.52(3), 538.021(4), 540.11(3)(b), 546.008, 548.012(2), 548.013(3), 548.037, 548.058(3), 548.06(3)(b), 548.064, 548.079, 550.361(3), 552.22(3), (4), (5), (6), (7), (10), 553.41, 559.917(3), 562.111, 585.155(5), 585.195(7), 585.34(11), (23), 590.12, 616.266(2), 624.15, 626.8453, 626.847, 627.734(2), 629.401(6)(b)7., 21., 633.171(2), 633.702(3), 634.2515, 634.328, 634.431, 637.429(1), 641.37(3), (4), (5), 655.50(6)(a), 657.004(2), 686.506(4), 713.76(3), 715.0415(2), 723.041(1)(c), 741.31, 777.04(4)(d), (e), 784.011(2), 784.03(2), 784.05, 790.053, 790.10, 790.1615(1), 790.17, 790.18, 790.22(2), 790.225(3), 790.27(2)(b), 794.03, 796.07(5), 806.031(1), 806.14(2)(a), (b), 810.10(2), 810.11(2), 812.14(4), 815.05(1)(b), (2)(b), 817.037(1), 817.155, 817.355, 817.562(3)(b), 817.563(2), 817.564(5), 823.12, 827.05, 827.06(1), 828.058(6), 828.122(4), 828.13(2), (3), 828.27(3), 831.31(1)(b), 837.012(1), 837.05, 837.06, 839.26, 843.165(2), 847.0135(3), 849.091, 859.06, 872.05(10)(b), 877.15, 877.155(2), 877.17(3), 893.147(1), (3)(b), (4), 895.07(6), 933.27, 933.28, and 944.35(3), (6), (7)(a), F.S., and ss. 20.19(9)(g), (10)(g), 110.1127(3)(g), 125.0104(8)(a), (b), 161.053(8), 161.58(1), (2)(b), 192.105(2), 206.27(2), 212.0305(3)(i), (j), 212.05(1)(a), 212.07(3), (4), 212.096(11), 212.12(13), 212.13(1), (2), 212.18(3), 213.053(2), 240.5337(2), 267.061(3)(m), 287.0943(7), 288.121(7)(c), 316.302(2)(h), (4), 316.545(1), 316.646(4), 320.02(6)(c), (8), 320.07(3)(b), 320.27(8), 320.58(2), 320.77(10), 327.33(1), (3)(a), 327.3521(5), 327.731(2), 372.99(1), (3), 373.336(3), 381.294(7)(a), 381.609(3)(d), (5)(b), 381.6105(10)(a), 384.34(1), (2), (3), 390.001(7), 390.012(3), 392.67(2), (3), 395.0142(5)(c), 400.497(2)(k), 402.3025(2)(d), 403.413(5)(b), 403.7198(6), 413.341(1), 415.111(1), (2), (4), (5), 415.505(1)(i), 415.513, 458.327(2), 458.345(4), 468.454(1), 468.517(2), 475.42(2), 475.452(4), 481.223(2), 481.323(2), 487.173, 489.127(2), 489.531(2), 491.012(4), 501.012(9), 509.510, 516.19, 538.018, 548.008(2), 548.017(2), 559.927(11), 561.25(2), 580.121(3)(a), 581.031(19), 581.211, 626.9541(1)(k), (u), 633.052(3), 633.175(8), 713.345(1)(b), 715.042, 796.08(4), (5), (6), 806.13(1)(b), 810.08(2)(a), (b), 810.09(2)(b), 810.115, 812.015(6), 817.566, 827.04(2), (3), 843.02, 847.011(2), 847.0147(2), 849.0935(5), 856.015(4), 893.13(2)(b), 934.03(4)(b), 934.21(2), 934.31(3), and 943.058(3), F.S. (1988 Supplement); conforming to s. 6, ch. 88-131, Laws of Florida, which deleted all reference to misdemeanors from s. 775.084.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 12, line 14 through page 13, line 24, strike all of said lines and renumber subsequent sections.

**Amendment 2**—On page 180, line 5 through page 180, line 15, strike all of said lines and renumber subsequent sections.

**Amendment 3**—In title, on page 1, line 1 through page 4, line 3, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.045(7), 39.4055(5), 100.241(5), 104.013(4), 104.031, 104.0515(5), 104.185, 106.07(5), 110.126, 110.127(1), 125.0108(4)(a), (b), 161.121, 210.15(8), 210.18(6)(a), (8)(b), 216.311(2), 229.808(6), 231.06(1), 235.09, 240.381(1), 257.261, 281.08(2), 286.011(3)(b), 288.011(4), 288.075(5), 320.0898(5), 320.831(2), (3), 322.13(2), 327.30(4), 327.65(2)(a), 327.72, 328.19, 365.165(3), 367.165(1), 372.26(2), 372.6645(3), 372.667(3), 375.314(1), 381.262(3), 381.295(8)(c), 381.601(8), 381.711, 390.025(3), 393.0674(1), 394.457(6)(k), 394.875(3), 395.0165(1), 396.0427(1), 396.172(2), 397.0716(1), 399.11, 400.427(6)(a), 401.41(1), (2), (3)(a), 402.318, 402.319(1), 404.20(9), 413.012(3), 413.021(4), 413.031(5), 413.067, 413.07(4), 413.08(2), (5), 440.34(6), 447.14, 448.09(3), 455.232(2), 455.25, 457.116(2), 459.013(2), (3), 459.021(5), 460.411(2), 461.012(2), 463.015(2), 464.016(2), 465.015(4), 465.186(5), 466.021, 466.026(2), 466.039, 467.201, 468.1745(2), 468.311, 470.023, 470.031(2), 471.031(2), 472.031(2), 473.322(2), 474.213(2), 475.421, 475.453(3)(a), 476.194(2), 477.0265(2), 480.047(2), 482.191(2), (3), 483.325(1), 484.013(4), 484.053(2), 484.054, 489.558(1), 490.012(2), 492.112(2), 493.32, 493.321(1), 493.576(1), 499.75(3), (6), (7), (8), (9), 501.055, 501.122(3)(b), 501.138(4), 501.2045(2), 506.518, 509.141(3), 509.143(4), 509.151(1), 509.201(3), 509.211(3)(b), 509.241(1), 509.281(2), 509.292(3), 513.054, 513.10(1), 513.111(3), 513.121(1), 513.13(2), 520.12(1), 520.39(1), 520.57(1), 520.98(1), 527.02(1)(a), 534.52(3), 538.021(4), 540.11(3)(b), 546.008, 548.012(2), 548.013(3), 548.037, 548.058(3), 548.06(3)(b), 548.064, 548.079, 550.361(3), 552.22(3), (4), (5), (6), (7), (10), 553.41, 559.917(3), 562.111, 585.155(5), 585.195(7), 585.34(11), (23), 590.12, 616.266(2), 624.15, 626.8453, 626.847, 627.734(2), 629.401(6)(b)7., 21., 633.171(2), 633.702(3), 634.2515, 634.328, 634.431, 637.429(1), 641.37(3), (4), (5), 655.50(6)(a), 657.004(2), 686.506(4), 713.76(3), 715.0415(2), 723.041(1)(c), 741.31, 777.04(4)(d), (e), 784.011(2), 784.03(2), 784.05, 790.053, 790.10, 790.1615(1), 790.17, 790.18, 790.22(2), 790.225(3), 790.27(2)(b), 794.03, 796.07(5), 806.031(1), 806.14(2)(a), (b), 810.10(2), 810.11(2), 812.14(4), 815.05(1)(b), (2)(b), 817.037(1), 817.155, 817.355, 817.562(3)(b), 817.563(2), 817.564(5), 823.12, 827.05, 827.06(1), 828.058(6), 828.122(4), 828.13(2), (3), 828.27(3), 831.31(1)(b), 837.012(1), 837.05, 837.06, 839.26, 843.165(2), 847.0135(3), 849.091, 859.06, 872.05(10)(b), 877.15, 877.155(2), 877.17(3), 893.147(1), (3)(b), (4), 895.07(6), 933.27, 933.28, and 944.35(3), (6), (7)(a), F.S., and ss. 20.19(9)(g), (10)(g), 110.1127(3)(g), 125.0104(8)(a), (b), 161.053(8), 161.58(1), (2)(b), 192.105(2), 206.27(2), 212.0305(3)(i), (j), 212.05(1)(a), 212.07(3), (4), 212.096(11), 212.12(13), 212.13(1), (2), 212.18(3), 213.053(2), 240.5337(2), 267.061(3)(m), 287.0943(7), 288.121(7)(c), 316.302(2)(h), (4), 316.545(1), 316.646(4), 320.02(6)(c), (8), 320.07(3)(b), 320.27(8), 320.58(2), 320.77(10), 327.33(1), (3)(a), 327.3521(5), 327.731(2), 372.99(1), (3), 373.336(3), 381.294(7)(a), 381.609(3)(d), (5)(b), 381.6105(10)(a), 384.34(1), (2), (3), 390.001(7), 390.012(3), 392.67(2), (3), 395.0142(5)(c), 400.497(2)(k), 402.3025(2)(d), 403.413(5)(b), 413.341(1), 415.111(1), (2), (4), (5), 415.505(1)(i), 415.513, 458.327(2), 458.345(4), 468.454(1), 468.517(2), 475.42(2), 475.452(4), 481.223(2), 481.323(2), 487.173, 489.127(2), 489.531(2), 491.012(4), 501.012(9), 509.510, 516.19, 538.018, 548.008(2), 548.017(2), 559.927(11), 561.25(2), 580.121(3)(a), 581.031(19), 581.211, 626.9541(1)(k), (u), 633.052(3), 633.175(8), 713.345(1)(b), 715.042, 796.08(4), (5), (6), 806.13(1)(b), 810.08(2)(a), (b), 810.09(2)(b), 810.115, 812.015(6), 817.566, 827.04(2), (3), 843.02, 847.011(2), 847.0147(2), 849.0935(5), 856.015(4), 893.13(2)(b), 934.03(4)(b), 934.21(2), 934.31(3), and 943.058(3), F.S. (1988 Supplement); conforming to s. 6, ch. 88-131, Laws of Florida, which deleted all reference to misdemeanors from s. 775.084, F.S.

On motion by Senator Langley, by two-thirds vote HB 1757 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Brown	Childers, D.	Davis	Forman



Gardner	Johnson	Myers	Thomas
Girardeau	Langley	Peterson	Thurman
Gordon	Malchon	Ros-Lehtinen	Walker
Grant	Margolis	Scott	Weinstein
Grizzle	McPherson	Souto	Weinstock
Jennings	Meek	Stuart	Woodson-Howard

Nays—None

**HB 1758**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 316.008(4), 316.1955(5)(b), 316.251(2), 316.455(1), (2), (3), (4), (5), 316.605(2), 316.6105(6), 316.650(1), 320.38, 322.031(1), 322.201, 322.271(4), 322.28(2)(e), 335.15(6), 336.01, 336.048, 337.02(1), 337.167(1), 339.2405(2), (3), (10), 341.348, 348.25, 350.113(2), 370.027(2), 370.1603(1), 372.57(1)(h), 373.226(2), 376.06(8), 376.12(1), (2)(d), 376.185, 376.205, 378.402(2), 381.601(6)(a), (10), 385.204(1), 388.201(1), (4)(a), 388.4111(2)(c), (e), 391.208(3), 394.463(2)(b), 395.101(1)(d), 396.0425(1)(i), (3)(b), 400.063(2), 400.331(2), 400.428, 400.452, 400.609(2), 401.23(20), 402.40(5)(c), 403.091(3)(c), 403.522(13), 404.20(1)(b), 409.211(1), 409.2663(2)(d), (4), 420.424(7), 420.509(14), 420.806(1), 425.29, 440.37(2)(b), 447.207(6), (7), 455.01, 455.213(5), 458.324(1), (2)(a), 458.335(2), 459.0125(1), (2)(a), 465.0165(3), (4)(a), (7)(a), 465.186(1), (2), 466.022(1), (3), 468.402(1)(n), 468.403(1), 476.114(3), 476.158(3), (9), 479.01(21), 484.051(2), 486.151(1)(c), 493.315(2), (5), 494.055(1)(h), (i), 494.07(3)(b), 496.052(3)(b), 500.174(1), 501.211(2), 502.055, 509.241(3), 519.101(1), 526.141(3), (7), 526.311(1), 534.083(1), 553.912, 553.963(3)(a), 553.969, 554.105(2)(b), and 554.106, F.S., and ss. 316.515(8), 316.545(2)(b), (4)(a), 320.08(10)(a), 320.0805(8)(a), 322.12(4), 322.16(4), 327.25(13), 327.73(2), 335.141(2)(b), 337.242(1), 337.401(4), 365.171(13)(a), 369.303(9), 370.021(5)(b), 376.307(3)(a), 376.3071(6)(c), 381.702(5), 394.75(1)(b), (11)(b), 395.041(8), 395.61, 395.63, 400.478(1), 403.7065(1), 403.7125(3), 403.716(1), 407.002(25), 407.01(1)(c), 407.02(5), 407.05(2), (8), 407.07(1)(b), 407.10(3), 407.50(9)(b), (11), 407.53, 409.175(4)(a), 413.034(1), 413.381(1), 420.511(5)(i), 420.606(4), 420.608(4), 440.13(4)(d), 455.217(3), 458.313(1), (2), 458.315(3), 458.320(5)(a), 458.331(1)(p), (t), (5)(a), 466.028(1)(p), (6), 466.0283(8), 468.509(2)(a), 474.2141(6)(b), (7)(b), (8), 475.501(6)(a), 479.16(13), 484.002(6)(b), 486.085(3)(b), 497.0484(10), 498.023(3)(d), 516.02(1), 550.262(5)(h), and 553.902(1)(d), F.S., (1988 Supplement); repealing s. 324.241, F.S.; and reenacting ss. 420.509(7), 496.236(1)(b), and 553.49(2), F.S., and ss. 316.302(5), (6), (7), (8), (9), (10), 337.18(5), 381.294(6)(c), (d), (e), 395.017, 415.103(3)(e), 415.504(4)(e), 484.007(2), F.S. (1988 Supplement), pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 24, line 16, through page 24, line 31, strike all of said lines (section 25); on page 25, line 20, through page 27, line 6, strike all of said lines (section 27); on page 37, line 21, through page 38, line 18, strike all of said lines (section 39); on page 48, line 8, through page 49, line 3, strike all of said lines (section 50); on page 49, line 5, through page 49, line 21, strike all of said lines (section 51); on page 53, line 1, through page 53, line 25, strike all of said lines (section 54); on page 58, line 14, through page 59, line 26, strike all of said lines (section 59); on page 77, line 19, through page 78, line 18, strike all of said lines (section 78); on page 102, line 12, through page 103, line 2, strike all of said lines (section 104); on page 161, line 17, through page 161, line 29, strike all of said lines (section 155); on page 162, line 10, through page 163, line 3, strike all of said lines (section 157); on page 163, line 26, through page 166, line 5, strike all of said lines (section 159); on page 167, line 14, through page 168, line 12, strike all of said lines (section 161); on page 168, line 14, through page 171, line 3, strike all of said lines (section 162); on page 171, line 5, through page 171, line 25, strike all of said lines (section 163); and on page 171, line 27, through page 172, line 17, strike all of said lines (section 164); and

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 1 through page 3, line 12, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 316.008(4), 316.1955(5)(b), 316.251(2), 316.455(1), (2), (3), (4), (5), 316.605(2), 316.6105(6), 316.650(1), 320.38, 322.031(1), 322.201, 322.271(4), 322.28(2)(e), 335.15(6), 336.01, 336.048, 337.02(1), 337.167(1), 339.2405(2), (3), (10), 341.348, 348.25, 350.113(2), 370.027(2), 370.1603(1), 372.57(1)(h), 376.06(8), 376.185, 376.205, 378.402(2), 381.601(6)(a), (10), 385.204(1), 388.201(1), (4)(a), 388.4111(2)(c), (e), 391.208(3), 394.463(2)(b), 395.101(1)(d), 396.0425(1)(i), (3)(b), 400.331(2), 400.428, 400.452, 400.609(2), 401.23(20), 402.40(5)(c), 403.091(3)(c), 403.522(13), 404.20(1)(b), 409.211(1), 420.509(14), 420.806(1), 440.37(2)(b), 447.207(6), (7), 455.01, 455.213(5), 458.335(2), 459.0125(1), (2)(a), 465.0165(3), (4)(a), (7)(a), 465.186(1), (2), 466.022(1), (3), 468.402(1)(n), 468.403(1), 476.114(3), 476.158(3), (9), 479.01(21), 484.051(2), 486.151(1)(c), 493.315(2), (5), 494.055(1)(h), (i), 494.07(3)(b), 496.052(3)(b), 500.174(1), 501.211(2), 509.241(3), 519.101(1), 526.141(3), (7), 526.311(1), 534.083(1), 553.912, 553.963(3)(a), 553.969, 554.105(2)(b), and 554.106, F.S., and ss. 316.515(8), 316.545(2)(b), (4)(a), 320.08(10)(a), 320.0805(8)(a), 322.12(4), 322.16(4), 327.25(13), 327.73(2), 335.141(2)(b), 337.242(1), 337.401(4), 365.171(13)(a), 369.303(9), 370.021(5)(b), 376.307(3)(a), 381.702(5), 394.75(1)(b), (11)(b), 395.041(8), 395.61, 395.63, 400.478(1), 403.7065(1), 403.7125(3), 403.716(1), 407.002(25), 407.01(1)(c), 407.02(5), 407.05(2), (8), 407.07(1)(b), 407.10(3), 407.50(9)(b), (11), 407.53, 409.175(4)(a), 413.034(1), 413.381(1), 420.511(5)(i), 420.606(4), 420.608(4), 440.13(4)(d), 455.217(3), 458.313(1), (2), 458.315(3), 458.320(5)(a), 458.331(1)(p), (t), (5)(a), 458.3315(8), 458.348(2), 459.0085(5)(a), 459.015(1)(t), (y), (6), 459.0155(8), 460.408(1)(b), 460.4104(10), 460.413(1)(p), (s), 461.013(1)(o), (t), (5)(a), 466.028(1)(p), (6), 466.0283(8), 468.509(2)(a), 474.2141(6)(b), (7)(b), (8), 475.501(6)(a), 479.16(13), 484.002(6)(b), 486.085(3)(b), 497.0484(10), 498.023(3)(d), 516.02(1), and 550.262(5)(h), F.S., (1988 Supplement); repealing s. 324.241, F.S.; and reenacting ss. 420.509(7) and 553.49(2), F.S., and ss. 337.18(5) and 484.007(2), F.S. (1988 Supplement), pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

On motion by Senator Langley, by two-thirds vote HB 1758 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

**HB 1759**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 561.26(1), 561.68(2), 568.07(1), (2), 570.51(3), 573.124(6), 580.031(20), 580.061(1)(a), 580.112(11), 585.35, 600.041(11), 604.33, 607.234(4), 607.371(1), 624.462(6), 626.471(1), 626.481(1), 626.501(2), 626.9707(1), 626.973(3)(c), 627.944(1)(b), 629.401(1)(a), 632.614(1), 632.635, 641.261(1), 641.3107, 641.411(1), 648.42, 650.05(1)(e), 651.033(3)(d), 658.12(5), 658.73(1)(a), (b), (6)(b), 665.034(3), 686.501(1), 689.115, 695.20, 705.17, 713.06(2)(b), 713.585(6), 717.101(8), 717.106(1)(d), 717.1311(3), 719.106(1)(f), 719.112(2)(d), 721.11(3)(d), 723.041(1)(c), (e), 726.107(5)(b), 727.104(1)(b), (2)(a), 772.102(1), 796.07(4), 828.125(1), 828.17, 828.27(1), (2)(f), 832.062(1), 893.15, 943.013, 943.10(4), 944.053(4), 944.10(2)(a), 944.405(3), 944.47(1)(a), 947.168(1), 950.001(4)(b), 958.04(2)(a), and 958.12, F.S., and ss. 563.022(17)(a), (18)(d), 601.154(4)(d), (f), 620.192(3)(e), 624.155(1)(a), 624.606(1)(e), 624.6065, 624.6081, 626.281(1), 626.752(3)(b), 626.9541(1)(p), 627.351(4)(h), (j), 627.357(1)(b), 627.733(3)(h), 631.817(2)(b), 632.638(9), 633.025(1), 639.16(5), 641.31(3)(a), (14), 641.55(6), (8), 660.41(8), 663.06(9), 681.108(1), 681.1095(13), 681.117,

688.008(1), 721.15(6), 766.101(1)(a), 766.102(3)(b), 766.105(1)(b), (2)(b), (e), 766.112(1), 766.203(2), (3), 766.205(1), (2), 766.206(1), 766.207(3), (7)(k), 766.314(4)(a), 768.13(2)(b), 768.81(2), (6), 796.08(1)(b), 812.015(2), 817.234(2), 856.015(1), (3), (4), 901.15(7)(a), 921.001(9), 934.23(2)(b), 943.12(3), 945.603(8), and 947.1745(4), F.S. (1988 Supplement); repealing s. 737.407, F.S.; and reenacting ss. 633.701, 633.702, and 697.205(2)(a), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 17, line 14, through page 18, line 8, strike all of said lines (section 20); on page 29, line 14, through page 30, line 20, strike all of said lines (section 35); on page 47, line 11, through page 47, line 26, strike all of said lines (section 51); on page 55, line 24, through page 56, line 5, strike all of said lines (section 61); on page 61, line 7, through page 61, line 27, strike all of said lines (section 68); on page 67, line 9, through page 69, line 22, strike all of said lines (section 75); on page 71, line 28, through page 72, line 13, strike all of said lines (section 79); on page 77, line 24, through page 79, line 27, strike all of said lines (section 84); and on page 111, line 27, through page 113, line 2, strike all of said lines (section 115);

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 1 through page 2, line 23, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 561.26(1), 561.68(2), 568.07(1), (2), 570.51(3), 573.124(6), 580.031(20), 580.061(1)(a), 580.112(11), 585.35, 600.041(11), 604.33, 607.234(4), 607.371(1), 624.462(6), 626.471(1), 626.481(1), 626.501(2), 626.970(1), 626.973(3)(c), 629.401(1)(a), 632.614(1), 632.635, 641.261(1), 641.3107, 641.411(1), 648.42, 650.05(1)(e), 651.033(3)(d), 658.12(5), 658.73(1)(a), (b), (6)(b), 665.034(3), 686.501(1), 689.115, 705.17, 713.06(2)(b), 713.585(6), 717.101(8), 717.106(1)(d), 717.131(3), 719.106(1)(f), 719.112(2)(d), 721.11(3)(d), 723.041(1)(c), (e), 726.107(5)(b), 727.104(1)(b), (2)(a), 772.102(1), 796.07(4), 828.125(1), 828.27(1), (2)(f), 832.062(1), 893.15, 943.03(1), 943.10(4), 944.053(4), 944.10(2)(a), 944.405(3), 944.47(1)(a), 950.001(4)(b), 958.04(2)(a), and 958.12, F.S., and ss. 563.022(17)(a), (18)(d), 601.154(4)(d), (f), 620.192(3)(e), 624.606(1)(e), 624.6065, 624.6081, 626.281(1), 626.752(3)(h), 626.9541(1)(p), 627.357(1)(b), 627.733(3)(b), 631.817(2)(b), 633.025(1), 639.16(5), 641.31(3)(a), (14), 641.55(6), (8), 663.06(9), 681.108(1), 681.1095(13), 681.117, 688.008(1), 721.15(6), 766.101(1)(a), 766.102(3)(b), 766.105(1)(b), (2)(b), (e), 766.112(1), 766.203(2), (3), 766.205(1), (2), 766.206(1), 766.207(3), (7)(k), 766.314(4)(a), 768.13(2)(b), 768.81(2), (6), 796.08(1)(b), 812.015(2), 817.234(2), 856.015(1), (3), (4), 901.15(7)(a), 921.001(9), 934.23(2)(b), 943.12(3), 945.603(8), and 947.1745(4), F.S. (1988 Supplement); repealing s. 737.407, F.S.; and reenacting ss. 633.701 and 633.702, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

On motion by Senator Langley, by two-thirds vote HB 1759 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Brown	Childers, D.	Davis	Forman

Gardner	Johnson	McPherson	Souto
Girardeau	Kirkpatrick	Meek	Stuart
Gordon	Kiser	Myers	Thomas
Grant	Langley	Peterson	Walker
Grizzle	Malchon	Plummer	Weinstock
Jennings	Margolis	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Thurman

**HB 1760**—A bill to be entitled An act relating to the Florida Statutes; amending ss. 11.149, 11.30(2), 11.45(1)(a), 15.0913, 18.101(3), 20.15(6), (7), 24.102(2)(b), 24.113(2), 27.51(1), 39.426(6), 39.429(1), 48.195(2), 48.196(1), 55.10(7), 103.101(4), 106.141(9), 110.112(6), 110.207(1)(a), 110.209(2)(a), 112.21(1), 120.55(1)(a), 122.07(2), 122.20, 125.011, 125.012(15), (21), (23), 125.014, 125.019, 154.209(16), (17)(b), 161.054(3), 163.3227(1)(a), 163.340(12)(b), 163.358(4), 163.387(2)(a), 163.517(3), 164.105, 164.106(2), 170.01(3), 170.03, 170.16, 171.022(1), 177.031(10), 185.02(1), 186.515, 196.1975(9)(b), 199.183(2), 203.04(1), 205.022(6), 207.0281(2), 210.05(3)(b), 210.20(2), 214.03(2), 215.63(1), 218.32(2)(c), (4), 220.13(1)(a), 221.01(2)(c), 228.2001(2)(d), 228.401(2), 229.781, 230.331(2), (3), 230.335(1), 231.095(1)(b), 235.195(1)(d), 237.34(2)(a), 238.05(1)(a), 240.4067(1), (2)(d), 240.533(2), 250.18, 253.033(3)(b), 253.12(1), 253.1241, 253.135, 256.051(1), 257.05(1), 257.35(5), 257.37, 258.39(11), (26), (27), 265.2865(2)(b), 267.071(3), 282.1021(1), 282.303, 285.07, 285.165(1), 288.504(3), 288.71(2), 289.181, 289.191, 290.015(4), 295.02, 298.11(5), 298.22(1), 310.071(1), and 310.111, F.S., and ss. 20.30(5)(j), 20.315(15), 24.111(2)(e), 24.112(9)(a), 39.01(7), (9), (10)(c), (32), (40)(a), 39.09(3)(f), 39.41(1)(c), (d), (7), 39.469(2)(b), 61.1301(2)(a), (d), (f), 61.14(5)(a), 110.1127(3)(a), 110.123(3)(d), (5)(a), (7), 110.402, 112.061(7)(b), 112.3144(3)(c), 119.07(1)(b), (3)(r), 120.53(5), 121.031(3)(a), 121.051(1)(a), 121.055(1), 125.0104(3)(b), 161.053(5)(a), 163.01(7)(e), (15)(b), 180.135(4), 196.012(5), 196.101(2), (5), 196.199(2)(a), 206.9925(5), 212.0305(2), 212.05(1)(c), 212.06(1)(c), 212.08(15)(e), 212.235(1)(b), 213.053(7), (9)(c), 215.22(18), (26), 216.031(10), 216.301(3), 220.181(10), 228.072(6)(a), 230.2312(7)(c), 230.645(9), 231.17(2)(a), 235.41(1), 236.081(1)(g), (3), 240.209(3)(e), 240.35(4), (5), (9), 240.539(6)(a), 242.68(2), 253.027(8), 283.53(2), 288.03, 288.063(3), 288.115, 288.1162(2), 288.1164, 288.1165, 288.121(1), 288.744(4), and 288.745(7), F.S. (1988 Supplement); repealing ss. 220.67, 291.02, 291.03, 291.04, 291.05, 291.06, 291.07, 291.08, 291.09, 291.10, 291.11, 291.12, 291.13, 291.14, 291.16, 291.17, 291.18, 291.21, 291.22, 291.23, 291.27, 291.28, 291.29, 291.30, 291.31, 291.32, and 291.325, F.S., and s. 215.22 (34), (35), (36), F.S. (1988 Supplement); and reenacting ss. 132.34(9) and 229.132(6), F.S., and ss. 212.12(2)(b), (c) and 236.081(6)(b), F.S. (1988 Supplement), pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; revising or correcting cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 3, line 18, through page 4, line 2, strike all of said lines (section 1); on page 20, line 16, through page 21, line 27, strike all of said lines (section 23); on page 49, line 1, through page 51, line 11, strike all of said lines (section 54); on page 59, line 19, through page 61, line 10, strike all of said lines (section 64); on page 63, line 28, through page 67, line 13, strike all of said lines (section 68); on page 71, line 27, through page 72, line 18, strike all of said lines (section 75); on page 80, line 1, through page 80, line 31, strike all of said lines (section 84); on page 84, line 10, through page 85, line 17, strike all of said lines (section 90); on page 89, line 28, through page 90, line 16, strike all of said lines (section 95); on page 115, line 26, through page 116, line 24, strike all of said lines (section 114); on page 139, line 1, through page 140, line 9, strike all of said lines (section 127); on page 140, line 11, through page 141, line 5, strike all of said lines (section 128); on page 142, line 5, through page 142, line 17, strike all of said lines (section 130); on page

142, line 19, through page 143, line 14, strike all of said lines (section 131); on page 143, line 16, through page 144, line 10, strike all of said lines (section 132); on page 147, line 12, through page 151, line 22, strike all of said lines (section 136); on page 164, line 10, through page 172, line 15, strike all of said lines (section 143); and on page 186, line 10, through page 187, line 18, strike all of said lines (section 156); and

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 1 through page 3, line 14, strike all of said lines and insert: A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.30(2), 11.45(1)(a), 15.0913, 18.101(3), 20.15(6), (7), 24.102(2)(b), 24.113(2), 27.51(1), 39.426(6), 39.429(1), 48.195(2), 48.196(1), 55.10(7), 103.101(4), 106.141(9), 110.112(6), 110.207(1)(a), 110.209(2)(a), 112.21(1), 120.55(1)(a), 122.07(2), 125.011, 125.012(15), (21), (23), 125.014, 125.019, 154.209(16), (17)(b), 161.054(3), 163.3227(1)(a), 163.340(12)(b), 163.358(4), 163.387(2)(a), 163.517(3), 164.105, 164.106(2), 170.01(3), 170.03, 170.16, 171.022(1), 177.031(10), 185.02(1), 186.515, 196.1975(9)(b), 199.183(2), 203.04(1), 205.022(6), 207.0281(2), 210.05(3)(b), 210.20(2), 214.03(2), 215.63(1), 218.32(2)(c), (4), 221.01(2)(c), 228.2001(2)(d), 228.401(2), 229.781, 230.331(2), (3), 230.335(1), 231.095(1)(b), 235.195(1)(d), 237.34(2)(a), 240.4067(1), (2)(d), 240.533(2), 250.18, 253.12(1), 253.1241, 253.135, 256.051(1), 257.05(1), 257.35(5), 258.39(11), (26), (27), 265.2865(2)(b), 267.071(3), 282.1021(1), 282.303, 285.07, 285.165(1), 288.504(3), 289.181, 289.191, 290.015(4), 295.02, 298.11(5), 310.071(1), and 310.111, F.S., and ss. 20.30(5)(j), 20.315(15), 24.112(9)(a), 39.01(7), (9), (10)(c), (32), (40)(a), 39.09(3)(f), 39.41(1)(c), (d), (7), 39.469(2)(b), 61.1301(2)(a), (d), (f), 61.14(5)(a), 110.1127(3)(a), 110.123(3)(d), (5)(a), (7), 110.402, 112.061(7)(b), 112.3144(3)(c), 119.07(1)(b), (3)(r), 120.53(5), 121.031(3)(a), 121.051(1)(a), 121.055(1), 125.0104(3)(b), 163.01(7)(e), (15)(b), 180.135(4), 196.012(5), 196.101(2), (5), 196.199(2)(a), 206.9925(5), 212.0305(2), 212.05(1)(c), 212.06(1)(c), 212.08(15)(e), 212.235(1)(b), 213.053(7), (9)(c), 216.301(3), 230.645(9), 231.17(2)(a), 235.41(1), 240.509(3)(e), 240.35(4), (5), (9), 240.539(6)(a), 242.68(2), 253.027(8), 283.53(2), 288.063(3), 288.115, 288.1162(2), 288.1164, 288.1165, 288.121(1), 288.744(4), and 288.745(7), F.S. (1988 Supplement); repealing ss. 220.67, 291.02, 291.03, 291.04, 291.05, 291.06, 291.07, 291.08, 291.09, 291.10, 291.11, 291.12, 291.13, 291.14, 291.16, 291.17, 291.18, 291.21, 291.22, 291.23, 291.27, 291.28, 291.29, 291.30, 291.31, 291.32, and 291.325, F.S.; and reenacting ss. 132.34(9) and 229.132(6), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; revising or correcting cross-references; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

On motion by Senator Langley, by two-thirds vote HB 1760 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

#### SPECIAL ORDER, continued

**CS for SB 882**—A bill to be entitled An act relating to the private operation of state correctional facilities; providing definitions; requiring the Department of Corrections to solicit proposals from private vendors to construct or construct and operate a single-cell prototype institution or a state correctional facility; providing bid requirements for private vendors; providing requirements for performance; requiring a bidder to provide an insurance plan; providing for the review of such plans; providing contract requirements for indemnification to the state by a private

vendor; providing standards of operation of a private correctional facility; requiring private correctional officers to be certified as having met certain qualifications; providing that inmates incarcerated at a private correctional facility remain in the legal custody of the department; requiring a plan be provided for termination of a contract for the operation of a private correctional facility; authorizing the department to terminate a contract with cause; prohibiting certain conflicts of interest by state employees and a private vendor and its employees; authorizing the department to withdraw its request for proposals for the construction, lease, or operation of a private correctional facility; requiring the department to adopt rules; requiring the department to appoint a contract monitor; requiring a private vendor to employ a monitor; requiring reports by such monitor; requiring the Auditor General to make certain reports; amending s. 944.105, F.S.; providing circumstances under which a private correctional officer may use nondeadly force and deadly force; providing additional requirements for the training of private correctional officers and employees at a private correctional facility; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 1**—On page 5, line 22, after "orders." insert: Nothing herein shall prohibit the department from leasing a facility.

The Committee on Appropriations recommended the following amendments which were moved by Senator Plummer and adopted:

**Amendment 2**—On page 3, line 6, strike "construct or"

**Amendment 3**—On page 12, lines 1 and 2, strike "at the facilities that train correctional officers employed by the department"

On motion by Senator Plummer, by two-thirds vote CS for SB 882 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Margolis	Stuart
Bruner	Gardner	Meek	Thurman
Casas	Gordon	Myers	Walker
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	

Nays—6

Davis	Johnson	Weinstein
Girardeau	Malchon	Weinstock

**CS for SB 1275**—A bill to be entitled An act relating to the turnpike system; amending s. 338.221, F.S.; revising definitions; amending s. 338.222, F.S.; authorizing the Department of Transportation to contract with governmental entities for the design, right-of-way acquisition, or construction of approved turnpike projects; amending s. 338.223, F.S.; providing for consistency of turnpike projects with the strategic state growth and development plan; revising the date for submittal of the first 5 years of the turnpike system plan; amending s. 338.227, F.S.; providing legislative approval for specified turnpike projects under certain conditions; amending s. 338.231, F.S.; providing conditions pursuant to which the department would no longer be authorized to pay debt service of the Sawgrass Expressway; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; creating s. 338.250, F.S.; providing requirements and procedures for environmental mitigation of the Central Florida Beltway; providing for funding of such mitigation; providing for land acquisition agents and procedures; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Beard and adopted:

**Amendment 1**—On page 7, between lines 13 and 14, insert:

8. *The Polk County Parkway; a 26 mile four and six lane limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland*

near Drainfield Road eastward to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road.

**Amendment 2**—On page 8, lines 27-31 and on page 9, lines 1-28, strike all of said lines and insert:

(3) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department ~~shall be authorized to~~ pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds, and to the payment of operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. *The agreement shall include repayment without interest by the department of pledged gasoline tax funds actually expended by Broward County, after July 6, 1988, on the Sawgrass Expressway.* The agreement shall establish that the Sawgrass Expressway shall be subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues shall be subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to provisions of any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds. *The agreement shall not remain in effect after the department is repaid, without interest, for amounts expended after execution of the agreement, for the payment of principal and interest and payment of the operation and maintenance expenses of the Sawgrass Expressway to the extent gross revenues of the Sawgrass Expressway are insufficient to make such payments. After the department has been repaid, without interest, for such amounts expended for principal and interest and for operation and maintenance expenses to the extent that revenues of the Sawgrass Expressway are insufficient to make such payments, the Broward County Expressway Authority may, by formal resolution, request that the Sawgrass Expressway be returned to their ownership. Upon satisfaction of this requirement, the department shall transfer planning, management, and operating control and ownership of the facility to the Broward County Expressway Authority.*

**Amendment 3**—On page 10, lines 21-30; on page 11, lines 1-31; on page 12, lines 1-30; and on page 13, lines 1-4, strike all of said lines and insert:

Section 7. Section 338.250, Florida Statutes, is created to read:

338.250 Central Florida Beltway Mitigation.—

(1) It is the intent of the Legislature that the adverse environmental effects of the Central Florida Beltway, consisting of the Western Beltway, Seminole County Expressway, and Southern Connector, which is of regional transportation benefit, be mitigated through the acquisition of lands and through environmental restoration or creation projects of corresponding regional environmental benefit. The Legislature finds that the acquisition of such lands is reasonably necessary for securing applicable permits as provided in s. 337.27.

(2) Environmental mitigation required as a result of construction of the beltway shall be accomplished in the following manner:

(a) Funds for environmental mitigation in an amount of \$50.5 million, which is approximately 5 percent of the estimated costs for right-of-way acquisition and construction of the beltway, shall be deposited in the Central Florida Beltway Trust Fund created within the Department of Transportation. These funds shall be provided from the bond proceeds of the turnpike system authorized by this act. The maximum amount to be provided for the Seminole County Expressway Authority shall be \$4 million and the maximum for the Western Beltway and Southern Connector shall be \$46.5 million. The interest of said funds, as earned, after the deposit into the Central Florida Beltway Trust Fund shall accrue to the agency responsible for the right-of-way acquisition and construction of the Central Florida Beltway.

(b) The Secretary of Environmental Regulation shall begin immediately upon the passage of legislation authorizing the Central Florida Beltway to evaluate and review mitigation lands. The Department of Envi-

ronmental Regulation, in consultation with the affected water management district and the Environmental Advisory Group to the Central Florida Beltway Project, shall, within 4 months after the effective date of legislation authorizing the construction and funding of the beltway, select the appropriate acquisition lands for inclusion in mitigation plans.

(c) A decision to enter into the Central Florida Beltway Mitigation program established in this section shall be at the sole discretion of the Seminole County Expressway Authority. If the authority elects this participation, the selection of mitigation lands shall be made pursuant to subsection (b), and contracts to purchase, or the filing of declarations of taking pursuant to chapter 74 shall take place within 15 months after the effective date of legislation authorizing the construction and funding of the beltway. The Department of Environmental Regulation shall, in consultation with the Environmental Advisory Group to the Seminole County Expressway Authority and affected water management districts, select lands within the Lake Jessup/St. Johns River hydrologic basin. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(d) The regional environmental benefit of the mitigation plan, as successfully implemented, shall promote the public interest and clearly outweigh the adverse environmental effects of the project and shall satisfy all environmental mitigation requirements associated with the project. The Department of Environmental Regulation shall assume the environmental permitting responsibility for the beltway and attending mitigation pursuant to interagency agreement with the affected water management districts. The permits issued for this project may be reviewed in accordance with s. 380.06(9) and the rules adopted pursuant thereto. The permitting decision rendered by the Department of Environmental Regulation shall be subject to review in accordance with s. 373.114(1). Notwithstanding any of the timing provisions in this act, a closing on the acquisition of mitigation land may not occur until environmental permits specifying mitigation sites for the projects have been issued.

(e) The mitigation lands acquired for the Western Beltway and Southern Connector shall be located within a proximity of ecosystems affected by the beltway and shall be selected from within the Wekiva River, Lake Apopka, and Upper Kissimmee chain-of-lakes hydrologic basins. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(f) It is the intent of the Legislature that mitigation funds be maximized to the greatest extent possible. Where feasible, mitigation funds shall be supplemented with funds from the Conservation and Recreational Lands Trust Fund, Save Our Rivers land acquisition program, or from other appropriate sources. Of the total funds available for the acquisition of mitigation lands:

1. Forty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Wekiva River hydrologic basin if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 8 months after the effective date of legislation authorizing construction and funding of the beltway.

2. Thirty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Lake Apopka hydrologic basin for the historic floodplain marsh, if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 8 months after the effective date of legislation authorizing construction and funding of the beltway.

3. Twenty percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Upper Kissimmee chain-of-lakes hydrologic basin adjacent to Lake Hatchineha and extending north to Lake Russell, as recommended by the Environmental Advisory Group to the beltway, if the execution of the contracts to purchase or the filing of such declarations of taking pursuant to chapter 74 occurs no later than 8 months after the effective date of legislation authorizing the construction and funding of the beltway.

To the extent that the execution of the contract to purchase or the filing of declaration of taking pursuant to chapter 74 for the lands set forth in

this paragraph has not occurred within the timeframes specified in subparagraphs 1., 2., and 3., funds not committed shall remain in the Central Florida Beltway Project Trust Fund to be used only for acquisition of mitigation lands, without regard to the percentage limitations specified in subparagraphs 1., 2., and 3., which are located in the proximity of ecosystems affected by the beltway. The Secretary of Environmental Regulation shall consult with the Environmental Advisory Group to the Central Florida Beltway Project or Seminole County Expressway Authority, as appropriate, and the affected water management district prior to the acquisition of the mitigation lands.

(g) For lands in the Wekiva River hydrologic basin, the Board of Trustees of the Internal Improvement Trust Fund shall serve as the acquisition agent for the Department of Environmental Regulation. Section 253.025 notwithstanding, the Division of State Lands of the Department of Natural Resources may contract with, or otherwise enter into agreements with, the agency responsible for the right-of-way acquisition of the beltway for the provision of appraisals of mitigation projects. When using such appraisals, only one such appraisal shall be required by the division to establish land values. Such appraisals may be made by the agency responsible for the right-of-way acquisition of the beltway either in conjunction with or separate from appraisals of property necessary for right-of-way acquisition. For lands outside the Wekiva River hydrologic basin, the affected water management district shall serve as acquisition agent for the Department of Environmental Regulation using the procedures in accordance with s. 373.139. Title to lands which are acquired by a water management district as mitigation lands shall be held by the affected water management district and may be transferred, if appropriate for management purposes, to the Board of Trustees of the Internal Improvement Trust Fund or the Game and Fresh Water Fish Commission. Management plans for mitigation lands shall be prepared and implemented by the agency holding title to the lands in consultation with the Environmental Advisory Group to the Central Florida Beltway Project and other environmental agencies.

(h) The limitations of ss. 373.139(2) and 253.025, notwithstanding, an affected water management district or the Board of Trustees of the Internal Improvement Trust Fund may exercise all powers conferred by s. 337.27, in order to acquire the mitigation lands specified in this section. If the declarations of taking pursuant to chapter 74 have not been filed prior to the time specified in subparagraphs 1., 2., and 3. of paragraph (f), such powers shall lapse.

The Committee on Appropriations recommended the following amendment which was moved by Senator Gordon and failed:

**Amendment 4**—On page 13, between lines 4 and 5, insert:

Section 8. Section 320.20(3), F.S., is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, shall be distributed monthly, as collected, to the following funds:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18 of Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 236.602, shall be deposited in the district Capital Outlay and Debt Service School Trust Fund.

(2) Twenty-five million dollars per year of such revenues shall be deposited in the State Transportation Trust Fund, with priority use assigned to completion of the interstate highway system. However, any excess funds may be utilized for general transportation purposes, consistent with the Department of Transportation's legislatively approved objectives. Prior to such utilization, the department's comptroller shall certify that adequate funds are available to assure expeditious completion of the interstate highway system and to award all such contracts by 1990.

(3) The remainder of such revenues shall be deposited in the State Transportation Trust Fund. *The Department of Transportation shall deposit a portion of all license tag moneys it receives into a Public Transit Block Grant Trust Fund for capital and operating needs of local public transit systems per the following schedule: 1989-1990 no less than 3.5 percent; in 1990-1991 no less than 8 percent; in 1991-1992 no less than 12 percent; and in subsequent years thereafter, no less than 15 percent.*

(Renumber subsequent section.)

The vote was:

Yeas—17

Casas	Gordon	Peterson	Weinstein
Childers, W. D.	Kirkpatrick	Plummer	Weinstock
Forman	Malchon	Ros-Lehtinen	
Gardner	Margolis	Souto	
Girardeau	Meek	Stuart	

Nays—20

Bankhead	Crenshaw	Grizzle	Myers
Beard	Davis	Jennings	Thomas
Brown	Deratany	Johnson	Thurman
Bruner	Dudley	Kiser	Walker
Childers, D.	Grant	Langley	Woodson-Howard

Vote after roll call:

Nay to Yea—D. Childers

The Committee on Appropriations recommended the following amendments which were moved by Senator Beard and adopted:

**Amendment 5**—In title, on page 1, strike all of lines 17-19 and insert: requiring the department to pledge revenues from the turnpike system to the payment of debt service and operation and maintenance expenses of the Sawgrass Expressway under certain circumstances; providing for the repayment of such revenues; providing for the transfer of ownership of the Sawgrass Expressway to the Broward County Expressway Authority;

**Amendment 6**—In title, on page 1, line 25, after the semicolon (;) insert: authorizing the Department of Environmental Regulation to select lands for environmental mitigation purposes and issue permits; providing criteria for the selection of such lands; allocating the amount of funds to be used for the acquisition of lands in specified areas;

On motion by Senator Beard, by two-thirds vote CS for SB 1275 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Davis	Johnson	Stuart
Bankhead	Deratany	Kiser	Thomas
Beard	Dudley	Langley	Thurman
Brown	Forman	Malchon	Walker
Bruner	Gardner	McPherson	Weinstein
Casas	Girardeau	Myers	Woodson-Howard
Childers, D.	Grant	Peterson	
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Scott	

Nays—6

Gordon	Margolis	Souto
Kirkpatrick	Ros-Lehtinen	Weinstock

**The President presiding**

**CS for SB 1368**—A bill to be entitled An act relating to expressway authorities; amending s. 348.957, F.S.; specifying purposes for which the Seminole County Expressway Authority may acquire private or public property and property rights; providing that the authority may acquire an entire lot, block, or tract of land if the cost of such acquisition will be equal to or less than acquiring a portion of the property; providing a legislative finding of public purpose regarding such acquisition; exempting the authority from liability for preexisting soil or groundwater contamination in property acquired by the authority; authorizing the authority to enter into interagency agreements with the Department of Environmental Regulation for certain purposes; amending s. 348.759, F.S.; specifying purposes for which the Orlando-Orange County Expressway Authority may acquire private or public property and property rights; providing that the authority may acquire an entire lot, block, or tract of land if the cost of such acquisition will be equal to or less than acquiring a portion of the property; providing a legislative finding of public purpose regarding such acquisition; exempting the authority from liability for preexisting soil or groundwater contamination in property acquired by the authority; authorizing the authority to enter into interagency agreements with the Department of Environmental Regulation for certain purposes; providing an effective date.



—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 1368 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Davis	Johnson	Plummer
Bankhead	Dudley	Kirkpatrick	Ros-Lehtinen
Beard	Forman	Kiser	Stuart
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Walker
Casas	Gordon	Margolis	Weinstein
Childers, D.	Grant	McPherson	
Childers, W. D.	Grizzle	Meek	
Crenshaw	Jennings	Myers	

Nays—1

Weinstock

Vote after roll call:

Yea—Thurman

### Motion

On motions by Senator Dudley, by two-thirds vote CS for CS for CS for CS for HJR's 139 and 40 was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dudley, by unanimous consent—

**CS for CS for CS for CS for HJR's 139 and 40**—A joint resolution proposing the creation of Section 18 of Article VII of the State Constitution, relating to general laws that require counties or municipalities to spend funds or that limit the ability of counties or municipalities to raise revenue or receive state tax revenue.

*Be It Resolved by the Legislature of the State of Florida:*

That the creation of Section 18 of Article VII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1990:

### ARTICLE VII FINANCE AND TAXATION

**SECTION 18.** *Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.—*

(a) *No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.*

(b) *Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.*

(c) *Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection shall not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written*

*joint proclamation issued by the president of the senate and the speaker of the house of representatives, or where the legislature provides additional state-shared revenues which are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues shall be subject to the same requirements for repeal or modification as provided herein for a state-shared tax source existing on February 1, 1989.*

(d) *Laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing non-criminal infractions, are exempt from the requirements of this section.*

(e) *The legislature may enact laws to assist in the implementation and enforcement of this section.*

**BE IT FURTHER RESOLVED** that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

### LAWS AFFECTING LOCAL GOVERNMENTAL EXPENDITURES OR ABILITY TO RAISE REVENUE OR RECEIVE STATE TAX REVENUE

Excuses counties and municipalities from complying with general laws requiring them to spend funds unless: the law fulfills an important state interest; and it is enacted by two-thirds vote, or funding or funding sources are provided, or certain other conditions are met. Prohibits general laws that have certain negative fiscal consequences for counties and municipalities unless enacted by two-thirds vote. Exempts certain categories of laws from these requirements.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for CS for CS for HJR's 139 and 40 was read the third time in full, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Langley	Souto
Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—1

Gordon

The Senate resumed consideration of CS for SB 532. Pending further consideration of CS for SB 532, on motions by Senator Weinstein, by two-thirds vote—

**CS for CS for HB 258**—A bill to be entitled An act relating to support; amending s. 61.181, F.S., relating to central depositories for child support payments; providing that payment be made by the depository to the obligee within 4 working days when payments are remitted to the depository by personal check; deleting fees paid into the Child Support Depository Trust Fund and deleting reference to said fund; amending s. 61.13, F.S.; revising language with respect to the obligation to provide health insurance as a part of child support; amending s. 61.1301, F.S.; revising language with respect to income deduction orders to include deductions out of bonuses; revising language with respect to payor's obligation under income deduction orders; amending s. 61.183, F.S.; revising language with respect to mediation of certain contested issues; amending s. 61.30, F.S.; providing that presumptive guidelines be used by the trier of fact in ordering payment of child support; providing for deviation from the use of presumptive guidelines by the trier of fact; providing for the adjustment of the guideline minimum child support award under certain circumstances; providing for obligations for support with respect to persons receiving public assistance; providing for periodic review of the



guidelines; amending s. 88.171, F.S.; providing for the disbursement of certain collections as child support; amending s. 409.2561, F.S.; revising language with respect to requiring insurance companies to notify the state Medicaid office when a support obligor's insurance is canceled; amending s. 409.257, F.S.; providing for service of process in IV-D cases; creating s. 409.259, F.S.; providing reimbursement to the clerk of the circuit court for filing fees in non-AFDC support cases; amending s. 455.203, F.S.; directing the IV-D agency to screen all applicants for licensure or renewal by the Department of Professional Regulation to determine whether the applicant is a delinquent support obligor; providing for the withholding of licensure or renewal; providing guidelines to the IV-D agency in entering into agreements for repayment of past due support; providing for hearing; amending s. 624.424, F.S.; requiring insurance companies to notify the Medicaid office when a support obligor's insurance is canceled; providing penalties; amending s. 742.12, F.S.; requiring all parties in a contested paternity action to submit to certain scientific tests for determination of parentage; providing effective dates.

—a companion measure, was substituted for CS for SB 532 and by two-thirds vote read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

**Amendment 1**—On page 14, lines 2-31 and on page 15, lines 1 and 2, strike all of said lines

**Amendment 2**—In title, on page 2, strike all of lines 10-15 and insert: providing guidelines

On motion by Senator Weinstein, by two-thirds vote CS for CS for HB 258 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—W. D. Childers

**CS for SB 228**—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.076, F.S.; permitting certain jai alai permitholders to apply for and receive permits to conduct dog race meetings in lieu of jai alai; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 228 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—17

Bankhead	Dudley	Kiser	Plummer
Brown	Gardner	Langley	Scott
Childers, W. D.	Grant	Margolis	
Crenshaw	Jennings	McPherson	
Deratany	Kirkpatrick	Myers	

Nays—14

Bruner	Gordon	Stuart	Weinstock
Casas	Grizzle	Thurman	Woodson-Howard
Childers, D.	Johnson	Walker	
Girardeau	Malchon	Weinstein	

Vote after roll call:

Nay—Davis

**SB 316**—A bill to be entitled An act relating to immunity from liability; amending s. 768.13, F.S.; clarifying those medical practitioners who are immune from civil liability when providing care or treatment under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote SB 316 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	McPherson	Weinstock
Childers, D.	Grant	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

**SB 429**—A bill to be entitled An act relating to tourism and economic development; amending s. 288.012, F.S.; specifying certain requirements from which the Department of Commerce is exempt in establishing, operating, and managing its foreign offices; repealing s. 10, ch. 88-201, Laws of Florida, which provides for the repeal of s. 288.012(2), F.S., effective October 1, 1989; repealing s. 288.012, F.S., relating to such foreign offices, at a future date, and providing for prior legislative review of said section; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 429 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	McPherson	Weinstock
Childers, D.	Grant	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Plummer	
Davis	Johnson	Scott	

Nays—None

#### Senator Deratany presiding

**CS for SB 1141**—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 25.241, F.S.; providing additional filing fees; amending s. 28.241, F.S.; providing an additional service charge; amending s. 35.22, F.S.; increasing certain filing fees; providing effective dates.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1**—On page 7, strike all of lines 17-20 and insert:

Section 8. Subsection (5) is added to section 34.041, Florida Statutes, to read:

34.041 Service charges and costs.—

(5) In addition to the filing fees provided in subsection (1), in all civil cases, the sum of \$5.00 per case shall be paid by the plaintiff when filing his action for the purpose of funding the court costs. Such funds shall be remitted to the general revenue fund.

Section 9. This act shall take effect on the first Tuesday after the first Monday in January 1990, except that sections 4, 5, 6, 7, and 8 and this section shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Senator Myers moved the following amendments which were adopted:

**Amendment 2**—On page 7, between lines 16 and 17, insert:

Section 8. There is hereby appropriated from the General Revenue Fund \$1,017,484 to the state courts as follows: \$383,800 to the circuit courts to fund the Trial Courts Information System project; \$559,316 to the District Courts of Appeal with 12 positions; and \$74,368 to the Circuit Courts for salaries and expenses for one new judgeship in the Second Judicial Circuit for 6 months.

(Renumber subsequent section.)

**Amendment 3**—On page 7, line 19, strike "and 7" and insert: 7, and 8

**Amendment 4**—In title, on page 1, line 12, after the second semicolon (;) insert: providing an appropriation;

Senator Margolis moved the following amendment which was adopted:

**Amendment 5**—In title, on page 1, line 12, after the semicolon (;) insert: amending s. 34.041, F.S.; providing additional filing fees;

On motion by Senator Weinstein, by two-thirds vote CS for SB 1141 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Grizzle

Yea to Nay—Plummer

**HB 1373**—A bill to be entitled An act relating to statutory nomenclature; amending ss. 61.052, 440.02, and 768.18, F.S., to remove references to "illegitimate" children and replace them with children "born out of wedlock"; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote HB 1373 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Souto	

Nays—None

Consideration of **CS for SB 1349, CS for CS for SB 128 and CS for SB 693** was deferred.

**CS for SB 346**—A bill to be entitled An act relating to the Florida Equal Access to Justice Act; amending s. 57.111, F.S.; providing requirements for the award of attorney's fees and costs against state agencies in certain actions; providing an effective date.

—was read the second time by title. On motion by Senator Casas, by two-thirds vote CS for SB 346 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

**CS for CS for SB 128**—A bill to be entitled An act relating to health care facilities; providing for the regulation of nursing pools by the Department of Business Regulation; providing for penalties and fees; prohibiting certain activities; providing for the adoption of rules; amending s. 407.50, F.S.; providing for the Health Care Cost Containment Board to approve additional revenues for certain hospitals for specified purposes; amending s. 407.51, F.S.; requiring said board to allow certain expenses for hospitals; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 3, between lines 5 and 6, insert:

Section 2. Paragraph (h) of subsection (2) of section 400.497, Florida Statutes, 1988 Supplement, is amended to read:

400.497 Rules establishing minimum standards; screening of home health agency personnel.—

(2)

(h) On or after October 1, 1989, nonlicensed and applicable licensed home health agency personnel must, within 5 working days after starting to work at a home health agency, submit to the agency for submission, within 48 hours, to the department a complete set of information necessary to conduct a screening according to the provisions of this section. In addition, new nonlicensed or applicable licensed personnel must sign an affidavit stating whether he meets the minimum standards for good moral character as contained in this section. The department shall submit the information to the Department of Law Enforcement for state processing. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the agency of its findings. If disposition information is missing on a criminal record, it is the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

1. Under the penalty of perjury, such nonlicensed and applicable licensed home health agency personnel shall attest to compliance with the minimum standards for good moral character as contained in this section.

2. Nonlicensed and applicable licensed home health agency personnel hired on or after October 1, 1989, shall be placed on probationary status pending a determination of compliance with minimum standards for good moral character.

3. The department, upon request of an agency, shall provide written assurance of compliance with this section for new personnel who have been screened for the agency at which they previously worked. However, if the person has been unemployed for more than *six months 60 days*, screening shall be required.

(Renumber subsequent sections.)

**Amendment 2**—On page 2, line 18, strike "malpractice insurance" and insert: professional liability insurance

**Amendment 3**—On page 2, line 19, strike " , covering damages caused by its employees"

**Amendment 4**—In title, on page 1, between lines 4 and 5, insert: amending s. 400.497, F.S.; revising the requirement for rescreening unemployed home health agency personnel;

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 128 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Souto	

Nays—None

On motions by Senator Casas, by two-thirds vote CS for HB 892 was withdrawn from the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

On motions by Senator Casas, by two-thirds vote—

**CS for HB 892**—A bill to be entitled An act relating to financial matters; amending s. 215.422, F.S., relating to procedures for payment for goods and services by state agencies; revising time periods for filing of vouchers with the Comptroller and issuance of warrants in payment of invoices; providing a time limitation for approval of goods or services; providing for determination of the date of receipt of an invoice; revising the time period after which an interest penalty for late payment applies and providing for calculation thereof; providing for the resolution of disputes involving interest penalties; specifying that temporary unavailability of funds does not relieve the agency from the obligation to pay the interest penalty; revising requirements for monitoring by the Department of Banking and Finance; creating a vendor ombudsman within the department and providing duties; providing for rulemaking; prohibiting certain inconsistent rules and policies; providing for application to certain reimbursements to state officers and employees; providing for application to state agencies which use third parties, revolving funds, or local bank accounts to pay invoices; providing an interest penalty for late payments to health care providers; specifying that nothing in said section shall be construed as an appropriation; amending s. 287.0585, F.S.; providing for restitution for attorney's fees and costs by a person violating provisions relating to late payments to subcontractors and suppliers by contractors with state agencies; authorizing the Department of Legal Affairs to assist subcontractors and vendors in proceedings under said section; providing appropriations; providing effective dates.

—a companion measure, was substituted for CS for SB 905 and by two-thirds vote read the second time by title.

On motion by Senator Casas, by two-thirds vote CS for HB 892 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grizzle	Meek	Weinstein
Childers, W. D.	Jennings	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson-Howard
Deratany	Kirkpatrick	Plummer	

Nays—None

On motions by Senator Weinstock, by two-thirds vote CS for HB 1245 was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Appropriations.

On motions by Senator Weinstock—

**CS for HB 1245**—A bill to be entitled An act relating to social welfare reform; creating s. 216.286, F.S.; providing budget authority and release for certain revenues; amending ss. 230.645 and 240.35, F.S.; exempting students enrolled in an employment and training program from certain fees; amending s. 409.029, F.S., relating to the Florida

Employment Opportunity Act; providing intent; providing definitions; requiring certain reports from the Department of Labor and Employment Security; providing budget authority and release for certain agencies participating in the Florida Employment Opportunity Act; requiring development of a strategic plan by a specified date; modifying the employment and training program for certain public assistance recipients; revising support services, to include child care, transportation, counseling, and medical care; providing additional assessment requirements; providing participation requirements; requiring certain reports from school districts and community colleges; requiring certain measures prior to imposing sanctions; providing additional evaluation data requirements; amending s. 409.185, F.S.; providing Department of Health and Rehabilitative Services access to certain automated data files; providing procedures to determine standard of need; creating s. 409.186, F.S.; requiring simplified eligibility and budgeting procedures for certain programs; amending s. 409.255, F.S.; expanding eligibility for aid to families with dependent children; providing time limits for eligibility; authorizing certain substitution for a requirement; providing for alternative payment methodology; amending s. 409.266, F.S.; extending medical assistance after earnings cause ineligibility for aid to families with dependent children; providing department access to certain automated data files; providing effective dates.

—a companion measure, was substituted for CS for SB 1468 and read the second time by title.

On motion by Senator Weinstock, further consideration of **CS for HB 1245** was deferred.

**CS for SB 845**—A bill to be entitled An act relating to Medicare supplement insurance; amending s. 627.6735, F.S.; requiring Medicare supplement policy insurers to file advertisements for such insurance with the Department of Insurance; amending s. 627.674, F.S.; requiring such policies to meet specified standards; providing for notification of certain provisions; amending s. 627.6745, F.S.; establishing loss ratio standards relating to returns to policyholders where service is provided by a health maintenance organization; creating s. 627.6746, F.S.; requiring Medicare supplement policy providers to comply with certain provisions of the Omnibus Budget Reconciliation Act of 1987; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike line 19 and insert: *standards. Such minimum standards do not preclude other provisions or benefits*

**Amendment 2**—On page 8, line 8, strike "October 1, 1989" and insert: *upon becoming a law*

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 845 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Thomas

Consideration of **CS for SB 484** was deferred.

**SB 51**—A bill to be entitled An act relating to gambling; creating s. 849.085, F.S.; providing that it is not a crime to participate in specified games; providing definitions; providing restrictions; providing that debts arising from participation in such games are not legally enforceable; limiting liability of condominium associations and unit owners; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 1**—On page 1, line 25, strike "\$25" and insert: \$10

On motion by Senator Kirkpatrick, further consideration of **SB 51** as amended was deferred.

#### Reconsideration

On motion by Senator Souto, the Senate reconsidered the vote by which—

**SB 153**—A bill to be entitled An act relating to the labeling of packaged food products; requiring that packaged food products sold in Florida be labeled with information concerning the fats and oils contained in or used in the preparation of the product; providing an effective date.

—passed this day.

On motion by Senator Souto, the Senate reconsidered the vote by which **SB 153** was read the third time by title.

On motions by Senator Souto, the Senate reconsidered the vote by which Amendments 2 and 3 were adopted.

**Amendments 2 and 3** were withdrawn.

On motion by Senator Souto, by two-thirds vote **SB 153** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Scott	

Nays—None

#### Reconsideration

On motion by Senator Grant, the Senate reconsidered the vote by which—

**CS for SB 335**—A bill to be entitled An act relating to corrections; amending s. 944.023, F.S.; requiring the Department of Corrections to develop a comprehensive correctional master plan and submit it to the Governor and the Legislature; providing for the purposes and the contents of the plan; amending s. 944.277, F.S.; defining the term "lawful capacity" for the purpose of granting provisional credits; repealing s. 944.096(1), F.S., relating to the required inmate-to-population ratio and the appropriation process; providing an effective date.

—passed this day.

On motion by Senator Grant, the Senate reconsidered the vote by which **CS for SB 335** was read the third time by title.

On motion by Senator Grant, the Senate reconsidered the vote by which Amendment 8 was adopted.

**Amendment 8** was withdrawn.

Senator Grant moved the following amendments which were adopted:

**Amendment 12**—On page 2, before line 1, insert:

Section 1. Section 941.45, Florida Statutes, is amended to read:

941.45 *Interstate Agreement on Detainers.*—The interstate compact known as the "Interstate Agreement on Detainers" is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in the form substantially as follows:

#### INTERSTATE AGREEMENT ON DETAINERS ARTICLE I Policy and Purpose

(1) ~~POLICY AND PURPOSE.~~—The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

#### ARTICLE II Definitions

(2) ~~DEFINITIONS.~~ As used in this agreement:

(a) "State" means the United States of America, a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Sending state" means a state in which a prisoner is incarcerated at the time he initiates a request for final disposition pursuant to *ARTICLE III subsection (3)* or at the time that a request for custody or availability is initiated pursuant to *ARTICLE IV subsection (4)*.

(c) "Receiving state" means the state in which trial is to be had on an indictment, information, or complaint pursuant to *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*.

#### ARTICLE III Request for Final Disposition

(3) ~~REQUEST FOR FINAL DISPOSITION.~~

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainees have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d), and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this *agreement section*. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) shall void the request.

#### ARTICLE IV *Request for Custody or Availability*

##### ~~(4) REQUEST FOR CUSTODY OR AVAILABILITY.~~

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with *ARTICLE V(a) subsection (5)(a)* upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a), the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainees against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this *ARTICLE subsection*, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this *ARTICLE subsection* shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a), but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to paragraph (e) of *ARTICLE V subsection (6)*, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

#### ARTICLE V *Offer to Deliver Temporary Custody*

##### ~~(5) OFFER TO DELIVER TEMPORARY CUSTODY.~~

(a) In response to a request made under *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in *ARTICLE III subsection (3)*. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this *ARTICLE section* or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

1. Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given, and

2. A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in *ARTICLE III subsection (3)* or *ARTICLE IV subsection (4)*, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this *ARTICLE section* shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainees or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this *agreement section*, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this *agreement section*, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this *ARTICLE section* is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this *agreement section* until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among

themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs or responsibilities therefor.

**ARTICLE VI**  
*Tolling Period and Limitations*

**(6) ~~TOLLING PERIOD AND LIMITATIONS.~~**

(a) In determining the duration and expiration dates of the time periods provided in *ARTICLES III* subsections (3) and *IV* (4), the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this *agreement section*, and no remedy made available by this *agreement section*, shall apply to any person who is adjudged to be mentally ill.

**ARTICLE VII**  
*Designation of Officer*

**(7) ~~DESIGNATION OF OFFICER.~~**—Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement and who shall provide, within and without the state, information necessary to the effective operation of this *agreement section*.

**ARTICLE VIII**  
*Effectiveness and Withdrawal*

**(8) ~~EFFECTIVENESS AND WITHDRAWAL.~~**—This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

**ARTICLE IX**  
*Construction and Severability*

**(9) ~~CONSTRUCTION AND SEVERABILITY.~~**—This *agreement section* shall be liberally construed so as to effectuate its purposes. The provisions of this *agreement section* shall be severable, and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this *agreement section* and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(Renumber subsequent sections.)

**Amendment 13**—On page 4, strike all of lines 26-28 and insert: systems. The department shall calculate the current and projected ratios of inmates in the state correctional system to the general population of the state for use as a basis for projecting

**Amendment 14**—On page 7, between lines 5 and 6, insert:

Section 3. Section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Social Services Estimating Conference, and the Transportation Estimating Conference.

(2) "Official information" means the data, forecasts, estimates, analyses, studies, and other information which the principals of a consensus estimating conference unanimously adopt for purposes of the state planning and budgeting system.

(3) "State planning and budgeting system" refers to the processes and functions prescribed in chapters 186 and 216 and ss. 215.32, 215.93, 215.94, and 944.023 ~~944.096~~.

(Renumber subsequent sections.)

On motion by Senator Grant, by two-thirds vote CS for SB 335 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

**Rules and Calendar Committee Report**

Senator Scott reported that the Committee on Rules and Calendar had determined that an emergency existed compelling the introduction of SB 1560, notwithstanding the fact that the final day had passed for introduction of bills.

On motion by Senator Scott, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

**INTRODUCTION AND REFERENCE OF BILLS**

**First Reading**

By Senator Plummer—

**SB 1560**—A bill to be entitled An act relating to areas of critical state concern; amending s. 380.0552, F.S.; delaying the date at which the state land planning agency is to recommend, under certain circumstances, the removal of the designation of the Florida Keys as an area of critical state concern; providing an effective date.

—was referred to the Committee on Rules and Calendar.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Scott, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet May 31 upon adjournment of the session to consider House Bills 179, 632 and 1092; and Senate Bills 16, 180, 181, 1034, 1479, 617 and 121.

On motions by Senator Scott, by two-thirds vote CS for SB 1304 was withdrawn from the Committee on Regulated Industries; CS for CS for HB 1388, CS for SB's 699 and 838 were withdrawn from the Committee on Community Affairs; CS for SB 1040 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Deratany, by two-thirds vote SB 1235, CS for SB 1290 and CS for CS for HB 1366 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Margolis, by two-thirds vote CS for SB 17, CS for SB's 68 and 613, CS for SB 71, CS for SB 268, SB 445, CS for SB 927, CS for CS for SB 1022, SB 1056, SB 1060, CS for SB's 1315 and 171, CS for SB 1353, CS for CS for SB's 1408 and 511, CS for SB 1469, CS for SB 398, SB 542, CS for SB 562, CS for SB 688, SB 692, CS for SB 972, CS for SB 993, CS for CS for SB 1055 and CS for SB's 1378 and 461 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote SB 76 was removed from the calendar and referred to the Committee on Appropriations.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 29 was corrected and approved.

**CO-INTRODUCERS**

Senators Bankhead, Gardner, Souto—CS for CS for SB 102; Senator Ros-Lehtinen—SB 319; Senator Weinstein—SB 624



**VOTES RECORDED**

Senator Grant was recorded as voting yea on the following which were considered May 18: Senate Bills 365, 369, 383, 458, 505, 914, 922, 936, 1033, 1169, House Bills 330, 556, 1380, 1411 and 1495 and nay on SB 1293.

Senator D. Childers was recorded as voting yea on the following which were considered May 29: CS for SB 88, CS for SB 256, SB 377, CS for SB 439, CS for SB's 493 and 947, CS for SB 532, Senate Bills 637, 675, CS for SB 676, CS for SB 683, CS for SB 844, CS for SB 851, CS for SB 925, CS for SB 934, CS for CS for SB 955, SB 1114, CS for SB 1135,

Senate Bills 1216, 1272, CS for SB 1322, CS for SB 1334, SB 1371, CS for SB 1414, CS for SB 1447, CS for CS for SB 1474, HB 106, CS for HB 247, HB 385, CS for HB 553, CS for HB 599, House Bills 635, 645, 729, CS for HB 757, HB 793, CS for HB 809, CS for HB 877, House Bills 878, 880, 889, CS for HB 975, CS for HB 1035, House Bills 1054, 1063, 1102, CS for HB 1191, CS for HB 1330 and HB 1663.

**RECESS**

On motion by Senator Scott, the Senate recessed at 6:32 p.m. to reconvene at 9:30 a.m., Wednesday, May 31.